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Council Journal

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LLMC #: 01174t

1861 THIRD ANNUAL SESSION. 1861

COUNCIL JOURNAL

1861

THIRD SESSION

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF DAKOTA.

TO WHICH IS PREFIXED A LIST OF THE MEMBERS
AND OFFICERS OF THE COUNCIL, WITH THEIR
POST-OFFICE ADDRESS, PLACE OF NA-
TIVITY, AGE, FAITH, &c.

PUBLISHED BY AUTHORITY.

YANKTON, DAKOTA TERRITORY,
G. W. KINGSBURY, PRINTER, DAKOTIAN OFFICE.

—1864.—

335801

LIST OF MEMBERS AND OFFICERS OF THE COUNCIL OF THE THIRD LEGISLATIVE ASSEMBLY OF THE TERRITORY OF DAKOTA,

WITH THEIR RESIDENCE, AGE, OCCUPATION, FAITH, &c

Name	County	Post Office	Occupation	Age	Nativity	Faith.	Settled in Dakota.	
ENOS STUTSMAN,	Yankton,	Yankton,	Lawyer,	38	Indiana,	Episcopalian,	1859	Single
J M STONE,	"	"	Farmer,	41	N Y	Presbyterian,	1858	Married
GEO W. KINGSBURY,	"	"	Printer,	26	N Y	Episcopalian,	1862	Single
J O TAYLOR,	Union,	Brule Creek,	Farmer,	48	Mass	Universalist,	1862	Married
M. M. RICH,	"	"	"	30	Vermont,	Congregat'al,	1859	Single
JOHN MATHERS,	"	Willow,	"	30	England,	Episcopalian,	1859	Married
LASSE BOTHUN,	Clay,	Vermillion,	"	28	Norway,	Protestant,	1861	"
HUGH COMPTON,	"	"	Merchant,	30	N Y	"	1860	"
FRANKLIN TAYLOR,	"	"	"		N C.			Single.
D P. BRADFORD,	Bon Homme,	Bon Homme,	Engineer,	52	Mass.	Baptist,	1857	Married.
J CHAW GREGORY,	Todd,	Penca Agency,	Merchant,	32	N Y	Episcopalian,	1859	Single.
JOHN J. THOMISON,	Charles Mix,	Greenwood,	Mechanic,	31	Penn'a,	O S Presby	1861	Single

OFFICERS.

ENOS STUTSMAN*	Yankton,	Yankton,	Lawyer,	38	Indiana,	Episcopalian,	1859	Single
J R HANSON†	"	"	Farmer,	27	N H	Congregat'al,	1859	"
C F REISTERSCHER‡	"	"	Butcher,	36	Germany,	Freesoiler,	1860	"
B C LOWELL§	"	"	Farmer,	44	N Y.	Presbyterian,	1860	Married.
C. E. ROWLLY§	Bon Homme,	Bon Homme,	Geologist,	28	Michigan	Methodist,	1860	Single.
T. W. THOMPSON¶	Clay,	Vermillion,	Farmer,	32	Norway,	Lutherian	1860	"
REV. M. HOYT**	Yankton,	Yankton,	Clergyman,	54	Conn	Episcopalian,	1862	Married.

*President. †Secretary. ‡Assistant Secretary §Sergeant at-Arms. ¶Messenger ¶Fireman **Chaplain.

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COUNCIL JOURNAL.

FIRST DAY.

TERRITORY OF DAKOTA, COUNCIL CHAMBER, }
YANKTON, Monday, Dec. 7, 1863. }

On this 7th day of December, A. D. 1863, being the day provided by law for the meeting of the Legislative Assembly of the Territory of Dakota, the members elect of the Council of said Assembly, convened in the Council Chamber of the Capital at Yankton, at 12 o'clock meridian, and, by request of the members, his Excellency, Newton Edmunds, Governor of said Territory, proceeded to call the roll of members whose seats were not contested, whereupon the following gentlemen answered to their names, to wit:

H. Compton, F. Taylor, L. Bothun, G. W. Kingsbury, J. M. Stone, Enos Stutsman, J. Shaw Gregory, and John J. Thompson.

The proper oath being administered to them by his Excellency, the Governor,

The above named members assumed their seats.

On motion, put and carried, Mr. Kingsbury called the members to order, and nominated Enos Stutsman for President, and there being no one else placed in nomination, a vote was had, and

Mr. Stutsman was declared unanimously elected President of the Council,

Whereupon the president elect took the chair.

Mr. Stone nominated J. R. Hanson for Secretary, and there being no one else placed in nomination, a vote was had, and

Mr. Hanson was declared unanimously elected Secretary of the Council.

Mr. Thompson nominated Charles F. Rossteuscher for assistant Secretary, and there being no one else placed in nomination, a vote was had, and

Mr. Rossteuscher was declared unanimously elected Assistant Secretary of the Council.

Mr. Stone nominated B. C. Fowler for Sergeant-at-Arms, and there being no one else placed in nomination, a vote was had, and

Mr. Fowler was declared unanimously elected Sergeant-at-Arms of the Council.

Mr. Bothun nominated T. W. Thompson for Fireman, and there being no one else placed in nomination, a vote was had, and

Mr. Thompson was declared unanimously elected Fireman of the Council.

Mr. Kingsbury nominated Samuel Grant for temporary Messenger, and there being no one else placed in nomination, a vote was had, and

Mr. Grant was declared unanimously elected temporary Messenger of the Council.

Mr. Gregory nominated Rev. M. Hoyt for Chaplain, and there being no one else placed in nomination, a vote was had, and

Mr. Hoyt was declared unanimously elected Chaplain of the Council.

The officers then came forward, and the oath of office was administered to them by his Excellency the Governor.

On motion of Mr. Gregory,

The rules of the last session were adopted for the temporary government of the Council.

On motion of Mr. Gregory,

A committee of three was appointed by the President, consisting of Messrs. Gregory, Bothun and Stone, to inform the House of Representatives of the permanent organization of this body.

The President announced that the standing committee on

elections would consist of Messrs. Kingsbury, Thompson and Compton.

The following message was received from the House :

MR. PRESIDENT:—The House have organized by the election of A. W. Puett, Speaker, Mahlon Gore, Chief Clerk, G. K. Curtis, Assistant Clerk, Ole Sampson, Sergeant-at-Arms, L. Larson, Fireman, L. Severson, Messenger, and A. Gore, Chaplain.

MAHLON GORE,
Chief Clerk.

D. P. Bradford and J. H. Shober, contestants for the seat in this Council belonging to the 4th Council district, presented their respective certificates of election, which,

On motion of Mr. Gregory, were
Referred to committee on elections.

M. M. Rich, John Mathews, J. O. Taylor, George Stickney, A. Cristy, and Charles Labroche, contestants for the seats in this Council, belonging to the 1st Council district, presented their respective certificates of election, which,

On motion of Mr. Gregory, were
Referred to committee on elections.

On motion of Mr. Taylor,

A committee of three, consisting of Messrs. Taylor, Kingsbury and Bothun, were appointed by the President to draft rules for the government of the Council.

On motion of Mr. Gregory,

A committee of three was appointed by the President to act with a similar committee on the part of the House, to draft rules for the government of the two Houses when in joint convention.

The President appointed as such committee,
Messrs. Gregory, Stone and Compton.

On motion of Mr. Gregory,

The regular hour for the meeting of the Council, each day, was fixed at 10 o'clock A. M., until otherwise ordered by the Council.

On motion of Mr. Gregory,

The Council adjourned to meet to-morrow at 10 o'clock

ENOS STUTSMAN, *President*

J. R. HANSON, *Secretary*.

SECOND DAY.

COUNCIL CHAMBER,
Tuesday, Dec. 8, 1863. }

Council met pursuant met pursuant to adjournment, and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names, to wit:

Messrs. Bothun, Compton, Gregory, Kingsbury, Stone, Taylor, Thompson, and Mr. President.

The journal of the 7th inst., was then read and approved.

The standing committee on elections, through their chairman, Mr. Kingsbury, asked for further time to report,

Which was granted.

Mr. Kingsbury, on the part of the special committee appointed on the 7th inst., to draft rules for the government of the Council, submitted the following report, which was accepted:

MR. PRESIDENT:—Your committee, appointed to draft rules for the government of the Council, beg leave to submit the following report, and recommend its adoption:

FRANK TAYLOR, *Ch'n.*

G. W. KINGSBURY,

L. BOTHUN.

RULES OF THE COUNCIL.

ORDER OF DAILY BUSINESS.

After calling the House to order, the following order shall govern:

1. Prayer by the Chaplain.
2. Calling the Roll.
3. Reading of Journal.
4. Petitions or memorials to be offered.
5. Notice of Bills.
6. Introduction of Bills.
7. Resolutions.
8. Reports of Committees.
9. Communications on the President's table.
10. Reports in possession of the Council which offer grounds for a bill.
11. Bills or other matters before the Council, and unfinished the preceding day.
12. The general file of bills, and other papers, agreeable to their introduction.

RULES.

1. The President shall take the chair at the hour to which the Council is adjourned, and call the members to order; and, if a quorum be present, he shall direct the journals of the preceding day to be read, and mistakes, if any, corrected. He shall preserve order and decorum, and decide all questions of order, subject to an appeal to the Council.
2. One fourth of the members may have a call of the Council, and absent members be sent for.
3. Questions shall be put in this form, viz: "As many as are of the opinion that (as the case may be) say 'aye.'" And after the affirmative voice is expressed, "As many as are of the contrary opinion, say 'no.'" If the President doubt, or a division be called for, the Council shall divide—those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

4. All motions, (except to adjourn, postpone or commit,) shall be reduced to writing, if required by any member of the Council. Any motion may be withdrawn before it is amended by the Council.

5. Every member present, when a question is put, shall vote, unless he shall, for special cause, be excused, by a vote of the Council; but no member shall vote on any question in the event of which he is directly and personally interested, or in any case where he was not present when the question was put.

6. When a member is about to speak in debate, or deliver any matter to the Council, he shall rise from his seat, and respectfully address himself to Mr. President, and shall confine himself to the question under debate, avoid personalities, and the imputation of improper motives.

7. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are named; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided shall be allowed on the same day, and at the same stage of the bill or proposition.

8. The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effects shall be to put an end to all debate, and bring the Council to a direct vote upon amendments reported by a committee, if any; then upon pending amendments, and then upon the main question.

9. A motion to adjourn, to lay on the table, and for the previous question, shall be decided without debate; and all incidental questions, of order arising after a motion is made for the previous question, and pending such motion, shall be decided—whether an appeal or otherwise—without debate.

10. Any member may call for a division of the question, which shall be divided, if it comprehends propositions in substance so distinct, that on being taken away, a substantive proposition shall remain for the decision of the Council. A

motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost, shall preclude neither amendments nor a motion to strike out and insert.

11. Every bill shall be introduced on the report of a committee, or by motion for leave, on giving at least one day's previous notice. Every bill shall receive three several readings previous to its passage; but no bill shall have its second and third readings on the same day, without a suspension of this rule.

12. The first reading of a bill shall be for information, and if objections be made to it, the question shall be, "Shall the bill be rejected?" If no objections be made, or the question to reject be lost, the bill shall go to its second reading without further question.

13. Upon the second reading of a bill or resolution, the President shall state it as ready for commitment or engrossment, and if committed, then the question shall be, whether to Select or Standing Committee, or Committee of the Whole.— If to a Committee of the Whole, the Council shall determine on what day. But if the Bill be ordered to be engrossed, the Council shall appoint the day when it shall be read the third time. No bill or Resolution requiring the concurrence of both houses shall be committed or amended until it shall have been twice read.

14. When a question is lost on engrossing a Bill for a third reading on a particular day, it shall not preclude a question to engross it for a third reading on a different day. On a third reading of a Bill or Resolution, no amendment (except to fill blanks) shall be received, except by unanimous consent of the members present.

15. A Bill or Resolution may be committed at any time previous to its passage.

16. In filling blanks, the largest sum and longest time shall be first put.

17. When a motion or question has been decided in the affirmative or negative, any member having voted with the majority, may move a reconsideration the same or the day following.

18. Before acting on Executive business, the Council Chamber shall be cleared, by direction of the President, of all persons except members, the Secretary and Sergeant-at-Arms; the members enjoined to observe secrecy, and the Secretary and Sergeant-at-Arms to be sworn.

19. No standing rule or order of the Council shall be rescinded or suspended, except by a vote of two-thirds of the members present.

20. The rules of parliamentary practice comprised in Cushing's Manual, shall govern the Council in all cases to which they are applicable, and in which they are not inconsistent with the standing rules or orders of the Council and the joint rules of the Council and House of Representatives.

21. When the ayes and noes shall be called for by two of the members present, each member called upon shall, unless for special reason he be excused by the Council, declare openly and without debate his assent or dissent to the question. In taking the ayes and noes and upon the call of the House the names of the members shall be taken alphabetically.

22. On the final passage of all Bills the ayes and noes shall be taken. And there shall be the following Standing Committees:

Judiciary,

Counties,

Education,

Territorial Affairs,

Military Affairs,

Agriculture,

Incorporations,

Expenditures,

Finance,

Federal Relations,

Elections,

Public Printing,

Public Buildings,

Engrossed and Enrolled Bills,

Highways, Bridges and Ferries.

23. All bills after a second reading shall be printed, unless otherwise ordered by the Council.

The following communication was received from the Hon. Secretary of the Territory:

DAKOTA TERRITORY, SECRETARY'S OFFICE, }
YANKTON, December 7, 1863. }

MR. PRESIDENT:—I have the honor to inform you, and through you, the honorable Council, that postage on all mail matter, (to be restricted to official business) of each member and the Secretary of the Council, will be paid by me, at the post-office in Yankton; provided, the postage shall not in any instance exceed three dollars to a member.

Each member will write his name upon the envelope of each document by him deposited.

I will also state, that I will furnish, weekly, six copies of the "Dakotian" to each member.

I am, Sir,

Your ob't serv't,

JOHN HUTCHINSON,

Secretary.

The report of the special committee appointed to draft rules for the government of the Council was taken up for consideration.

Mr. Gregory moved that the draft of rules as submitted to the Council be adopted.

Which motion prevailed.

Mr. Gregory gave notice of his intention to introduce a bill granting a ferry charter across the Missouri river, at or about the mouth of Ponca creek.

Mr. Gregory introduced the following resolution:

Resolved, That the Hon. Secretary of the Territory be requested to have a sufficient number of the rules, adopted for the government of the Council, printed for their use.

J. SHAW GREGORY:

The resolution was adopted.

On motion of Mr. Gregory,

The Council took a recess of thirty minutes.

The time having expired,

The Council was called to order by the President.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
YANKTON, Dec. 3, 1864. }

MR. PRESIDENT:—I have the honor to inform your honora-

ble body, that a committee of three, consisting of Messrs. Bond, Lawrence and Wherry, has been appointed to confer with a like committee on the part of the Council, to draft joint rules for the government of the two houses.

MAHLON GORE,

Chief Clerk.

Mr. Gregory introduced the following resolution :

Resolved, That the officers of the Territory, members and officers of the House of Representatives, and newspaper reporters, be admitted to seats within the bar of the Council.

J. SHAW GREGORY.

The resolution was adopted.

On motion of Mr. Gregory,

The Council adjourned, to meet to-morrow morning, at 10 o'clock.

ENOS STUTSMAN, *President.*

J. R. HANSON, *Secretary.*

THIRD DAY.

COUNCIL CHAMBER, }
Wednesday, Dec, 9, 1863. }

Council met pursuant to adjournment, at 10 o'clock, A. M., and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names, to wit :

Messrs. Bothun, Compton, Gregory, Kingsbury, Taylor, Thompson and Mr. President.

The journal of the 8th was then read and approved.

Mr. Kingsbury, chairman of committee on elections, to whom was referred the certificates of election of Messrs. M. M. Rich, John Mathers, J. O. Taylor, George Stickney, A. Cristy and

Charles Labrach, contestants for seats in the Council, belonging to the first Council district, submitted the following report :

MR. PRESIDENT:—Your committee on elections, to whom was referred the respective credentials of the gentlemen from Cole county, claiming seats in this body, have given to the matter a candid and impartial investigation, allowing full and satisfactory time to the claimants of each opposing party, to present all evidence deemed by them necessary to establish their respective rights to membership in this Council, and after listening patiently and with due attention, to the evidence produced by each party, have candidly, and without undue prejudice, arrived at the following conclusions :

That, on the 7th of September, 1863, an election was held in Cole county, Dakota Territory, for members of the Legislative Assembly now in session. That such election was held at different places in said county, and conducted pursuant to orders, notices and proceedings of two different boards of county officers, both claiming a legal existence.

That no evidence has been produced before your committee, showing that the board of county officers, composed in part of Thomas Watson, Archibald Christie and Sherman Clyde, as county commissioners, Henry S. Carpenter, as Register of Deeds, and William Searls, Judge of Probate, were never properly qualified to act as such, and that all elections which have been held in compliance with the proceedings of the above named gentlemen, claiming to represent the respective offices before mentioned, are, and of right should be, null and illegal, and consequently of no effect.

That the board of county officers consisting in part of William Frisbie, William Mathers and Jno. R. Wood, as county commissioners, N. J. Wallace, Register of Deeds, and A. R. Phillips, Judge of Probate, were duly appointed, pursuant to law, to these respective positions by the Governor of this Territory, and under the law which created the power and named the manner of their appointment, they are made to hold their respective offices until their successors are elected and qualified. In the opinion of your committee, the last named officers, (with the exception of N. J. Wallace, whose commission as Register

of Deeds was revoked, and a second commission issued to M. M. Rich, by the Governor of this Territory, which last named gentleman your committee believe to have been the rightful Register of Deeds of Cole county, since his appointment as such,) were the only legally constituted officers of Cole county, in their respective positions, who could act as such during the time comprised in the proceedings out of which this contest has grown; and that the election held on the 7th of September, 1863, pursuant to the proceedings of William Frisbie and William Mathers, as county commissioners, and M. M. Rich, as Register of Deeds, was the only one, in the opinion of your committee possessing the sanction of legality.

Your committee would wish to remove any impression in the minds of your honorable body, and the citizens of Dakota, that the board of county officers first mentioned in this report, and the gentlemen assuming to be elected members of this Council under their proceedings, have evinced any desire in their several acts, other than that apparently prompted by a sincere wish for justice and equity, and their evidence produced, and the conduct of the gentlemen before your committee has been of that courteous, candid and straight forward character, which deserves and receives our unqualified esteem and warmest sympathy.

The evidence upon which your committee base their conclusions, is herewith presented in part, though not in such concise form as will be readily accessible, owing to a lack of time since our investigation was concluded.

Finally, in consideration of the facts and conclusions set forth in the foregoing report, based upon full, complete and satisfactory evidence, your committee believe that they have discharged their whole duty to the parties opposed in this contest, to the citizens of the first Council district, and to this honorable body, and feel assured, that from this statement, you will be enabled to arrive at an equitable conclusion respecting the conflicting claims herein presented.

All of which is respectfully submitted.

Signed, COUNCIL CHAMBER,
YANKTON, D. T., December 8, 1863. }

GEO. W. KINGSBURY, Ch'n,
HUGH COMPTON,
JOHN J. THOMPSON.

Committee on Elections.

Mr. Kingsbury, chairman of the committee on elections, to whom was referred the certificates of election of Messrs. D. P. Bradford and John H. Shober, contestants for the seat in this Council, belonging to the 4th Council district, submitted the following report:

MR. PRESIDENT:—Your committee on elections, to whom was referred the credentials of D. P. Bradford, and John H. Shober, opposing claimants for a seat in this Council from the 4th Council district, have given to the subject a full and complete investigation, and a candid and impartial consideration, and have arrived at the following conclusions, the evidence supporting said conclusions, in part accompanying this report:

That the office of Register of Deeds of Bon Homme county, at the time of the holding of the election on the 7th of September, 1863, was rightfully held by Laban H. Litchfield, and no certificate of election under the laws of this Territory, issued to any individual resident of Bon Homme county pursuant to an election held on the 7th of September, 1863, would be valid, unless subscribed by said Laban H. Litchfield, as Register of Deeds.

That at the election held in Bon Homme county on the 7th of September, 1863, your committee are satisfied that Daniel P. Bradford received a majority of the legal votes cast, for the office of Councilman of the 4th Council district, that the proper canvass of said votes was made, and a certificate of election to this body issued to the said Daniel P. Bradford, by the rightful Register of Deeds of Bon Homme county, Laban H. Litchfield.

In consideration of these facts, your committee would recommend that the said Daniel P. Bradford be admitted to a seat in this Council on an equality with the representatives from other districts.

Signed, COUNCIL CHAMBER,
YANKTON, D. T., December 8, 1863. }

GEO. W. KINGSBURY, Ch'n.

HUGH COMPTON.

JOHN J. THOMPSON.

Committee on Elections.

Mr. Bothun introduced the following :

MR. PRESIDENT:— I beg leave to submit the following resolution, and move that it be adopted:

Resolved, That in view of the statements presented to this Council by the committee on elections, we believe that M. M. Rich, J. O. Taylor, and John Mathers are the rightful members of this body from the first Council district, and that they be forthwith admitted to seats in this Council.

L. BOTHUN.

The yeas and nays, being called for and ordered on the adoption of the resolution resulted

Yeas 5, nays 3, as follows:

Those who voted in the affirmative were

Messrs. Bothun, Kingsbury, Stone, Thompson and Mr. President.

Those who voted in the negative were

Messrs. Compton, Gregory and Taylor.

So the resolution was adopted.

Messrs. Rich, Taylor, J. O. and Mathers then came forward took and subscribed to the oath of office, administered by His Excellency the Governor, and took seats in this body.

The report of the committee on elections, relative to the contested seats belonging to the 4th Council district, was then taken up for consideration.

Mr. Bothun moved that the report be adopted.

The motion prevailed.

Mr. Bradford then came forward, took and subscribed to the oath of office administered by His Excellency, the Governor, and took a seat in this body.

Mr. Gregory chairman of the special committee on joint rules, appointed the 7th inst., submitted the following report:

MR. PRESIDENT:—Your committee on joint rules, have had the same under consideration and beg leave to report the joint rules of the last session with the following amendment, and recommend its adoption:

Sec. 8. All orders, joint resolutions and memorials to Congress, after they shall have passed both houses, shall be carefully enrolled, signed by the Speaker of the House and Presi-

dent of the Council, and forthwith presented to the Governor for his signature. After receiving his approval they shall be transmitted by the chief clerk of the respective houses in which they originated to the President of the Senate and Speaker of the House of Representatives, and also a copy to our Delegate in Congress.

JOINT RULES.

1. In every case of disagreement between the two Houses, if either House request a conference, and appoint a committee for that purpose, the other House shall appoint a committee to confer therewith upon the subject of their disagreement. They shall meet at a convenient time to be agreed upon by their chairman, and having conferred freely, each shall report to their respective House the result of their conference.

2. When a message shall be sent from either House to the other, it shall be announced at the door of the House to which it is sent, by the doorkeeper thereof, and shall be respectfully communicated to the chair by the person by whom it is sent.

3. All messages between the two Houses shall be communicated by the Secretary or Chief Clerk or their respective assistants.

4. When a bill shall have passed both Houses, it shall be duly enrolled by the enrolling clerk of the House in which it originated, and the fact of its origin shall be certified by the endorsement of the Secretary or Clerk thereof.

5. When bills are enrolled they shall be examined by a joint committee of two from the Council and two from the House of Representatives, who shall be a standing committee for that purpose, and who shall carefully compare the enrollment with the engrossed bills, as passed in the Houses, correct any errors therein, and make report thereof forthwith to their respective Houses.

6. After said report, each bill shall be signed, first by the Speaker of the House of Representatives, and then by the President of the Council, in the presence of their respective House.

7. After the bill shall have been thus signed in each House,

it shall be presented by said committee to the Governor, for his approval, and they shall forthwith report the day of presentation, which shall be entered upon the journal of the House in which the bill originated.

8. All orders, joint resolutions, and memorials to Congress after they shall have passed both Houses, shall be carefully enrolled, signed by the Speaker of the House of Representatives and the President of the Council, and after receiving the approval of the Governor, shall forthwith be transmitted by the Secretary or Chief Clerk of the House in which they originated, to the President of the Senate and the Speaker of the House of Representatives of Congress, and also a copy to our Delegate in Congress.

9. When any bill, joint resolution or memorial which shall have passed in one House, is rejected in the other, notice of said rejection shall be given to the House which passed the same.

10. When a bill, resolution or memorial which shall have passed one House, is rejected in the other, it shall not be again introduced during the session without five days notice, and leave of two-thirds of the members voting thereon.

11. Each House shall transmit to the other, with any bill, resolution, or memorial, all papers upon which the same shall be founded.

12. When each house shall have adhered to their disagreement, a bill or resolution is lost.

13. When any bill or resolution, which may have passed one house, is ordered printed by the other, a greater number of copies shall not be printed than is necessary for the use of the house making the order. When any other bill or resolution shall be ordered printed by either house, a sufficient number of copies shall be printed for the use of both houses.

14. It shall be the duty of the chief clerk of the House of Representatives and the secretary of the Council, when any document except bills and resolutions, is ordered to be printed in their respective houses, forthwith to communicate such order to the other house.

15. In all elections in joint convention of the two houses, the

names of the members shall be arranged in alphabetical order, and they shall be called upon to vote in the order in which they stand arranged.

The report was adopted.

Mr. Gregory moved that the Secretary of the Council be instructed to inform the House that the Council has adopted the report of the joint committee on joint rules, for the government of the two houses.

Which motion prevailed.

Mr. Kingsbury introduced the following resolution :

Resolved, That a committee of three be appointed to notify the honorable House that the Council will be ready to meet them in joint convention at three o'clock, this P. M., to hear any communication his Excellency Governor Edmunds may have to make to this Legislative Assembly.

G. W. KINGSBURY.

The resolution was adopted.

The following message was received from the House :

MR. PRESIDENT :—We have been appointed by the House to inform your honorable body, that the House will be ready to meet the Council at two o'clock, P. M., to hear any communication the Governor may have to make, and to transact any other business that may properly come before the convention.

JOHN LAWRENCE,

ALBERT GORE,

G. W. PRATT.

Hereupon the Auditor and Adjutant General presented their first annual reports.

Mr. Gregory introduced the following resolution :

Resolved, That the Hon. Secretary be requested to have a sufficient number of the Auditor's Report, together with the Adjutant General's Report, printed for the use of the Council.

J. SHAW GREGORY.

The resolution was adopted.

Mr. Gregory moved that the Council now proceed to the election of a permanent messenger,

Which motion prevailed.

COUNCIL JOURNAL.

Mr. Bradford nominated Charles E. Rowley, and there being no one else placed in nomination, and a vote being had, Mr. Rowley was declared unanimously elected messenger of the Council.

Mr. Rowley then came forward and took, and subscribed to, the oath of office administered by his Excellency the Governor.

Mr. Kingsbury introduced the following:

MR. PRESIDENT:—I ask leave to introduce the following resolution, and recommend its adoption:

Resolved, That the Council concur in the resolution of the House fixing the time of meeting in joint convention at two o'clock, P. M., and that a committee of two be appointed by the President to act in conjunction with a similar committee from the House to notify his Excellency Governor Edmunds that the two Houses will meet in joint convention this P. M., at two o'clock, to receive any communication he may have to make; and that the Secretary be instructed to notify the House forthwith of the adoption of this resolution.

G. W. KINGSBURY.

The resolution was adopted, and

The President appointed Messrs. Kingsbury and Gregory such committee.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December 9, 1863. }

MR. PRESIDENT:—I am instructed to inform your honorable body that the House has appointed Messrs. Bottolfson, Reed, and Kegan a joint committee to act with a like committee on the part of the Council to wait upon his Excellency the Governor and inform him that the two houses will meet in joint convention this afternoon, at 2 o'clock for the purpose of hearing any communication he may have to make.

MAHLON GORE,
Chief Clerk.

On motion of Mr. Gregory,

A recess was had until half-past one o'clock, this afternoon.

At half-past one o'clock the Council was called to order by the President.

Mr. Kingsbury submitted the following report :

MR. PRESIDENT :—Your committee appointed to wait upon his Excellency Governor Edmunds, in conjunction with a similar committee from the House, and inform him that the two houses would meet in joint convention at two o'clock, P. M., and would then be ready to receive any communication he may have to make, have performed that duty and beg leave to report that his Excellency will communicate with the joint convention at the hour named.

GEO. W. KINGSBURY,
J. SHAW GREGORY,

Committee on part of Council.

The following message was received from the House :

MR. PRESIDENT :—We are appointed a committee from the House to inform the Council that we are now ready to meet them in joint convention.

E. M. BOND,
ALBERT GORE,
W. W. BROOKINGS.

On motion, the Council adjourned to repair to the Hall of the House of Representatives to meet that House in joint convention.

IN JOINT CONVENTION.

The two houses met in joint convention at two o'clock, P. M., and were called to order by the President of the Council.

Mr. Gregory moved that the chief clerk of the House and assistant secretary of the Council act as clerks of the joint convention,

Which motion prevailed.

The roll was then called, and the following members answered to their names, to wit ;

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor, F., Taylor, J. O., Thompson, Stutsman, Bond, Bottolfson, Brookings, Brooks, Burgess, Curtis, Gore, Hill, Kegan, Lawrence, Larson, Litchfield, Mattison, Pratt, Reed, Risling, Ross, Shriner, Wall, Wherry, and Puett.

Mr. Gregory moved that a committee of two be appointed by the chair to wait on his Excellency the Governor, and inform him that the two houses are now in joint convention and prepared to receive any communication he may have to make.

The motion prevailed, and

The chair appointed, as such committee, Mr. Gregory on the part of the Council, and Mr. Hill on the part of the House.

The committee retired, and in a few minutes returned and made the following report:

MR. CHAIRMAN:—Your committee appointed to wait upon his Excellency the Governor, to inform him that the two houses are convened in joint convention, to receive any communication he may have to make, have to report that we have performed the duty assigned to us, and that his Excellency will forthwith communicate with the convention through his messenger.

J. SHAW GREGORY,

B. A. HILL,

Committee.

Immediately after which a messenger from his Excellency appeared and presented a communication, which was read to the convention, as follows:

GOVERNOR'S MESSAGE.

Gentlemen of the Council and House of Representatives:

A year has elapsed since you last assembled in this hall to deliberate and enact laws for the government and welfare of our people. A year of great trial to our country; a year of intestine war and bloody feuds; a year in which our loyal and patriotic citizen soldiers have, by their bravery, indomitable energy and perseverance, obtained great and important victories over our enemies; a year in which whole States have been conquered and reclaimed from the possession and control of the traitors, who have, for more than two years and a half, been

engaged in murdering and plundering our fellow citizens, and devastating our once happy, united and peaceful country; a year of border war with the relentless, implacable, and heartless savages of our own Territory—and still we have a country and government left us, of which we may all be proud, and which should be the pride and boast of every true, patriotic and loyal American citizen, whether such by birth or naturalization.

While all this has been transpiring within our country the past year, we have every reason to feel thankful for the blessings that have been bestowed upon us by an all-wise over-ruling Providence, and should fervently thank Him for his continued mercies vouchsafed to us.

In the progress of the war for the preservation of our Government, the enforcement of just laws, and the maintenance of our national domain, it behooves us to mention some of the causes which have led to our calamities, in order that, on the recurrence of peace—which, judging from the progress made by our armies the past season, must, ere long, return to our distracted country—we may, if possible, in the future avoid them.

Whatever is loose in the foundation of the fabric of our glorious Government, must be made fast; whatever has become corrupted must be lopped off; whatever is not built on the broad basis of public utility, equality, justice and freedom to all, must be thrown to the ground. Liberty and equal rights must be our watchword, and must be extended and guaranteed to all classes of American citizens, not even excepting the poor benighted African, who has, to the present time, in this country, been the victim of hard, implacable avarice.

The great mainspring of human action will forever be emulation, and it is only in a just, well ordered, and well regulated government, that we shall be able to prevent in the future, that emulation from degenerating into dangerous ambition, destructive factions, and, worse than all, bloody civil wars, as evinced in our present national difficulties.

A people become tumultuous and unmanageable when made to believe that they are oppressed;—although naturally of a peaceable temper, if circumvented or misled by those they have

trusted, are easily led astray, over-run the bounds of justice and honesty, ruining all before them, and, unhappily, for their own good, frequently rebel, and undertake to overthrow the most beneficent, just, and liberal government, and insist upon being misled by the most artful, knavish, and ambitious of the land, as witnessed in the persons of the leaders of this great rebellion.

A great majority of the people are too fond of ease and peace to trouble themselves about public affairs, and this gives an opportunity for the ambitious, profligate, and dissolute, to have more of influence than they ought in public affairs, and enables them to set before the people such idols as will flatter and seduce them from the path of rectitude, and lead them to become careless and heedless in the discharge of their duties as good citizens.

Emulation, envy, pride, and lust for power, are so natural in the human heart, that wherever men are to be found and however connected, we see its effects. They are not more affected by it as individuals than they are in communities. There are rivalries between trades and professions; between congregations, parishes and churches; between colleges and universities; between villages, cities, provinces, states, and nations. Hence, the great struggle in which we, as a nation, find ourselves engaged. Ambition, pride, envy, and emulation, are among the leading causes which have led to our present national calamities. These feelings have been nursed and fostered by us as a people, by a process so subtle, slow and diversified, that the fires of rebellion were kindled and brightly burning over nearly one-half our country, ere we could awake ourselves to a realizing sense of our danger or be brought to the thinking point on the subject of the necessity of prompt and vigorous action, if we would preserve our institutions and republican form of government.

Ambition, pride, jealousy, and emulation, caused the South to secede, and have enabled them to maintain a contest unparalleled in the history of nations, or the annals of warfare, for two years and eight months, with a tenacity and strength worthy a better and more patriotic cause; and it grieves me to be obliged to confess, that the men engaged in this rebellion—

the instigators of it—have been vastly aided and strengthened; and doubtless advised and counseled with, by a large number of influential citizens of the North, who have, in this manner, contributed, in no small degree, in prolonging the war beyond the conception of the most sagacious statesmen of our land. This deplorable state of affairs has been brought upon our country simply because one set of men saw power, patronage and position slipping from their grasp, never to return to them, for reason of their lack of fidelity, faithfulness, patriotism, and love of country.

A large majority of our loyal countrymen have become thoroughly convinced of the necessity of thrusting from power and place, men who have betrayed their confidence, proved themselves untrustworthy, and have, during the pending of our great national struggle, contributed and are now engaged in fostering and strengthening the rebels for the gratification of their selfish and personal ends. The evidence of the truthfulness of this statement is found in the triumphs of our combined loyal voters, over traitors and rebel sympathizers in the States which have recently held elections, where the result has been so decided and overwhelming as to astonish even the most sagacious and ardent patriot in the country. These results have gladdened and warmed the heart of every truly loyal and patriotic citizen of our Territory, and the effect will be only to nerve and encourage every such man to renewed exertion and determination never to cease their laudable efforts until every official position in our Territory is in the hands of men who truly love their whole country, and will hold themselves in readiness at all times to do battle, if need be, in defense and for the preservation of our free institutions.

SIoux WAR.

Two expeditions have been fitted out the present season by the government, at great expense and at a time of great peril to our whole country, when the aid of every able-bodied man was needed by the government for its protection against armed traitors—one from the state of Minnesota, the other from the State of Iowa—both of which have, by long and tedious marches westward, traversed nearly the entire breadth of our Territory, having for their object the punishment of the In-

dians engaged in the massacre of the whites, our neighbors in the State of Minnesota, and for depredations committed by them in that State, and in our own Territory, within the past eighteen months; and though ample force was provided by the Government in both cases, and both succeeded in coming up with the Indians and inflicting some punishment upon them, I am sorry to say that in neither case has the punishment been of that severe and decided character as will be likely to end this bloody, expensive and harrassing war; and there will doubtless be a necessity for another expedition next season. This circumstance is greatly to be regretted, from the effect that a border war of this character, has upon the settlement and development of our new Territory and the increased burthens to the general government caused thereby. While I would censure no one for these failures, who have been connected with either of these expeditions, I feel that I would not be discharging my whole duty without expressing the opinion that the plan of these campaigns was on a much larger and more expensive scale than was necessary to accomplish the object, and was not organized on a basis to insure dispatch and thereby success. In connection with this subject, I believe it to be due to Brigadier General Sully, who had command of the Expedition up the Missouri river, to mention some of the obstacles which surrounded him in the execution of his part of the campaign.

It is well known that in consequence of the unprecedented low stage of water in the Missouri river, the boats chartered to accompany the expedition, were delayed much beyond the expectations of the officer in command, and when they arrived at headquarters, (Sioux City,) were found to be almost useless for the purpose for which they were chartered. The failure to furnish animals for land transportation, also caused much delay, and when they were finally furnished, many were in such a condition as to be entirely useless. The unprecedented drought, which destroyed the prairie grass, made it necessary for a much larger amount of land transportation than would have been necessary had the season been an average one. These obstacles, doubtless, prevented General Sully from moving his command in time to meet General Sibley,

as was contemplated in the original design of the campaign.

After garrisoning the several military posts in the Indian country, and distributing at proper points along the frontier, a sufficient force to protect the settlements, I am of opinion that one full regiment of cavalry, well armed and provided with pack mules, sufficient for their necessities, under the command of active, energetic and determined officers, who have no feeling but a desire to punish and thoroughly subdue these Indians, would accomplish all these ends in one campaign, and that a short one.

With all the vigilance exercised by our officers along this frontier, (and I most cheerfully accord to them the exercise of this cardinal military virtue) the Indians have made frequent raids upon our isolated settlers, have committed several most atrocious and cold-blooded massacres, stolen many horses, and much other valuable property; and none engaged in these raids have, to my knowledge, been in the slightest degree punished. Why this is so, I am unable to say, but am irresistibly led to the conclusion that the system adopted is radically wrong. If so—and experience and results would seem to establish the position—then why not change it and try some other?

Long and rapid marches must be performed; quick and heavy blows must be given; severe and ample punishment must be inflicted upon these Indians, to effect the object desired; and it is to be hoped that such a policy will in future be adopted by the Government as will speedily insure a lasting and permanent peace, and bring quiet and tranquility to our harassed citizens.

ORGANIZATION OF DAKOTA.

Two years and eight months have now elapsed since Congress saw fit to construct the machinery for putting into operation our territorial government; and, on a change of administration which occurred only two days thereafter, and as soon as our present excellent Chief Magistrate had fairly got the reins of Government in hand, our first Governor, his Excellency, William Jayne, was appointed, and very soon thereafter, repaired to the post of official duty, and proceeded to put the wheels of our territorial government in motion. The task was a most delicate, arduous and difficult one, and most faithfully was it accomplished.

As an evidence of the favor with which our people have looked upon and appreciated this selection of the President's, and as a just reward for constant courtesy, fairness, and uniform kindness, and the impartial manner with which he discharged the trusts imposed upon him, our people, within little more than fifteen months after his arrival in our Territory, with great unanimity, selected him to represent them at the National Capital. He, by the choice of our citizens, thus becomes our second Delegate in Congress.

Important results have been anticipated by our citizens in connection with this selection; not only from the fact of his intimate personal relations with the President, his earnest, hearty and cordial sympathy and identity with the Administration, his fidelity, patriotism and love of country, but also for his condemnation of rebels and rebel sympathizers wherever they are found.

EDUCATION.

I would call your attention to the importance and necessity of inaugurating a thorough and complete system of common schools in this Territory, for the benefit of rising generations. Congress has, by its munificence, understanding well the importance to American citizens, set apart two sections of the public domain in our Territory to every six miles square, as a basis on which to found a permanent and enduring school system, which, if properly cared for, will, in time, enable us to establish a system of free schools, with such an endowment, as will cause the burthens of such a system to fall lightly upon our citizens.

The importance of having a common head in our school system, it appears to me must be patent to all. The plan adopted at your last session, of county superintendents, may be well so far as it goes; but it appears you have in this inaugurated just so many independent school systems as there are organized counties in the Territory. Such a system must, in a short time, lead to almost inextricable confusion, the result of which, will be to bring the whole plan into disrepute.

Wise and judicious modes of education, patronized and supported by communities, will draw together the children of all grades of society, among whom it makes no distinction. It

will cultivate the natural genius, elevate the soul; excite laudable emulation to excel in knowledge and benevolence, and it will reward its benefactors by shedding its benign influence on the public mind and morals. Education inures men to thinking and reflection, to reasoning and demonstration, and enables them to discover the moral and religious duties they owe to God and their country. It leads our youth to the study of human nature, society and universal history, and causes the mind to be interested in discovering truth, and will at least induce a large majority to array themselves on the side of and in the defence of truth.

I would recommend such an amendment of our school law as will make these county superintendents amenable and subordinate to a territorial superintendent, who shall be elected by the people, who shall have the general supervision of our school system. It appears to me that our common school system will be very imperfect and ineffective until this is done. I deem it of the utmost importance in inaugurating a system of the magnitude that this will ultimately become in this Territory to future generations, that we start on a firm, sure, and perfect basis.

ELECTION LAW.

Our Election Law needs amending in many particulars.— Its workings have demonstrated the necessity of more stringent provisions to prevent illegal voting; for the protection of the voters and ballot-box at the polls, and for the protection and safety of the persons of the judges and clerks of election.

It is desired by all that every actual bona fide resident of Dakota, of lawful age, who is a citizen of the United States, and has resided the requisite time in this Territory, should be permitted to exercise the privileges of the elective franchise, and especially is this the feeling on the part of our citizens, in relation to persons in the military service of the Government, who were actual residents and entitled to vote at the time they entered the military service. While this is the feeling it is at the same time important that every possible safeguard should be thrown around the ballot-box to preserve its purity, in order that the actual wishes of our citizens may be arrived at, as expressed through that medium, and at the same time the law

should be so guarded that no one, not actually entitled to exercise the right of suffrage, whether in the military service or not, shall be permitted to vote at any election in this Territory, without incurring such fines and penalties as shall deter all such persons from offering to vote.

I would recommend a change in the time of holding our annual elections from the first Monday in September, to the first Tuesday after the first Monday in October in each year, and the enactment of a law making it a high crime for any person or persons, except the judges of election, or those whose duty it is made by law, to interfere in any manner with the ballot-box or the ballots, and attach such fines and penalties in such case as will be likely to deter in future all efforts at interference by outsiders, in such cases.

IMMIGRATION.

The subject of fostering and promoting immigration into our new Territory, is a matter of vital importance to our whole people, and cannot well be over-estimated. The individual efforts of some of our citizens in this respect very justly deserves your attention and commendation, and should receive that encouragement at your hands that the importance of the subject would seem to indicate.

The efforts made by Surveyor-General Hill in this direction, though, as yet, attended with no very decided results, would seem to have laid the foundation for a large and flourishing settlement from the Empire State; and when made, as in this instance, from an earnest desire to promote our growth and increase our material wealth and importance as a people, full credit and co-operation should be given him, as far as possible, on your part.

I would recommend that you memorialize Congress for an allowance of one thousand dollars, to be placed at the disposal of three commissioners of immigration, to be by them used in such manner as will be deemed most likely to secure the desired object. I have no doubt that this sum, judiciously expended, would accomplish results that would be entirely satisfactory to our citizens; even though it should be necessary for us to have this sum annually deducted from the appropriation by

Congress for Legislative purposes in our Territory, and if necessary to secure it, I would recommend that you ask that this amount be deducted from year to year, to be so applied.

With a view of securing the services of able and competent men, who will carefully guard this expenditure, make it accomplish as much as possible, who can afford to serve gratuitously, I would recommend that our Chief Justice, Secretary, and Surveyor-General, constitute said commissioners.

ROUTE TO THE GOLD MINES.

The recent discoveries of rich deposits of gold in our neighboring Territory, Idaho, has very justly attracted a large share of attention, not only in our own Territory, but in all the northwestern States and Territories, and the question of most importance among the numerous persons who have had their attention directed to this new Eldorado, and who are desirous of making a pilgrimage thereto, seems to be, "how to get there," and "which way to go."

But two routes have thus far been available to the numerous persons who have left our Territory for this auriferous region. The shortest, most practicable, and expeditious route at present is, via the Missouri river, (when the stage of water is such as to admit of it) to Fort Benton, by steamer, thence overland by teams or pack mules, to the gold fields. The other is by a long and tedious journey overland, by way of Omaha, Forts Kearney, and Laramie, to Salt Lake City; thus traveling, in taking the latter route, over six hundred miles farther than necessary to reach the desired point; provided, an overland route was opened through our own Territory, and protection afforded to those desiring to visit the gold mines of Idaho. The importance of opening a direct route to these mines through our own Territory, and turning the tide of emigration this way, cannot well be over-estimated, either to the emigrant, or to the interests of our people. To the emigrant, as a means of shortening his long and tedious marches, by reducing the distance over six hundred miles, and by saving from three to four weeks time—to our own citizens, by affording to our farmers a ready market for all their surplus produce at their own doors, thus saving the necessity of cartage and necessary ab-

sence from the fields of their labor, and to our merchants and business men, from the increased demands made upon their stocks and business occasioned by the emigration flowing constantly past their doors, making it necessary for them to establish large and extensive depots of supplies in the way of mining implements, provisions and other articles necessary to supply the wants of a people about to engage in such a business. The shortest, best, and most practicable route to the gold fields of Idaho, from any of the Northwestern States, is undoubtedly through the settled portion of our Territory, to the mouth of the Niobrara river or Fort Randall, from thence along the divide between the Niobrara and White rivers; thence under the base of the Black Hills, passing the sources of the Yellow Stone to the forks of the Missouri. I trust our delegate in Congress will, at an early day, urge this matter upon the attention of Congress in such a manner and with such force, as will secure an appropriation sufficient to open the route and secure protection to all who may desire to avail themselves of the shortest route to these mines.

This matter is also of vast and vital importance in another point of view, from the fact that this route would pass through the very heart of the Indian country, and its effect in my opinion, would be, in a very short time, to satisfy the Indians of the folly of their efforts to exterminate the whites, and would soon cause them to come forward, make treaties of peace and at no very distant day, lead them to locate upon reservations, and by judicious management cause them to abandon their present mode of life and turn their attention to agriculture and the arts, ultimately civilize and enlighten them, and finally become, as they are undoubtedly capable of becoming, in the course of time, respected and esteemed citizens—no longer a terror to defenseless women and children, and a barrier to the advancement of settlement and civilization.

PACIFIC RAILROAD ROUTE.

The subject of the location of the northern branch of the Pacific Railroad is very justly attracting a large share of the attention of our citizens, and its importance to our people cannot well be over-estimated when we take into consideration the very important fact, which is susceptible of positive demonstra-

tion, that the shortest and indeed only practicable route for this road, from Sioux City westward, is through our own Territory along the valley of the Missouri river, to the mouth of the Niobrara; thence up the valley of that stream to or near Fort Laramie; thence to the South Pass.

The saving of distance in adopting this route cannot be much less than one hundred and fifty miles, to say nothing about the difference in the cost of construction, which may be estimated at many millions of dollars, as in following the valleys of these streams a grade is already virtually established, timber and water in abundance is at hand to construct the road and supply it for years; while in the other case, in adopting the route contemplated in the bill, as passed by Congress, the road would run for a long distance over the most hilly and broken country to be found in Nebraska, at right angles, or nearly so, with the general range of the divides between the streams of that Territory and through a country for several hundred miles entirely destitute of timber, and, I suppose, for long distances, of water also; with the additional expense to the company of maintaining and operating an extra one hundred and fifty miles of railroad of the importance of the one under consideration. It appears to me that it is only necessary to call the attention of members of Congress to this subject, to cause them at once to take such action as will secure to our people a fair participation in the benefits to be derived from the construction and operation of this road.

I would recommend that you memorialize Congress on this subject, setting forth the advantages of adopting the line of route indicated, and praying Congress to authorize the Missouri and Niobrara Valley Railroad Company to construct a railroad and telegraph line from the Big Sioux river, near Sioux City, Iowa, by the most direct and feasible route to such point as will connect said railroad with the Union Pacific Railroad, in the direction of the South Pass of the Rocky Mountains, on the same terms as is provided for the construction of the Union Pacific Railroad by act of Congress approved July 1st, 1862.

PUBLIC DOMAIN.

None of the public domain in our Territory having, as yet,

been brought into market by the General Government—a fact which happily accords with the present desire of our citizens, who all feel that in this matter the Government has consulted the best interest of our actual settlers,—we have inaugurated no system of taxation, and as a consequence, have no means at hand of showing, by actual and reliable returns, the favorable condition of our citizens engaged in agriculture, manufacture or the arts, or the large and important interests of our stock growers. While this would be a matter of pride and boast to our citizens, when compared with other sections of the country, taking into consideration our population, and the recent purchase and redemption of our Territory from the Indians, we all feel that it would not be compensated for, by placing the public lands in a position to be entered by speculators or non-residents, to be held for years at a largely enhanced price, to the great detriment of our Territory and our actual bona fide settlers.

We cannot but feel thankful to the Government for its liberality to us in this respect, particularly when we consider the enormous amount of money required, and the great relief that would be afforded by large sales of the public domain.

Here, free homes are offered by our beneficent Government to actual settlers, in a country unsurpassed in salubrity and purity of climate, and where whole townships, and even counties, of vacant lands are found, as productive as the savannas of the South. There are to-day thousands of men in the Eastern and Middle States that have constantly toiled from year to year for a subsistence for themselves and families, on a few acres of well-worn rented land, and paying, in many cases, a price per acre for the use of such lands per annum, as would secure in our Territory a homestead of one hundred and sixty acres of as fine lands as the sun ever shone upon, every foot of which is susceptible of the highest state of cultivation, at less cost in labor than in any country to be found in the Eastern or Middle States. The small farmers in these States, have only to see these lands and all the surrounding advantages, to appreciate the liberality of the Government, and the great advantage of seeking a home in our Territory, where but a few years of the same industry and economy practiced by them in their

Eastern homes, from childhood, would be requisite to make them all comparatively independent, in a pecuniary point of view.

LEGISLATIVE EXPENSES.

Through the courtesy of Secretary Hutchinson, who has performed the double duties of Acting Governor and Secretary for the last nine months, and who, so far as I am able to judge, has discharged these double duties to the general satisfaction of our citizens, and from a desire to furnish information not only interesting to you, but also to the people, I am enabled to lay before you a statement of the condition of the several appropriations made by Congress to defray the Legislative expenses in this Territory from its organization to the present time, which includes two Legislative appropriations or years :

First Session, Appropriation,	\$20,000 00
Expended,	18,813 94

Unexpended balance,	\$1,186 06
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Second Session, Appropriation	\$20,000 00
Expended,	13,270 80

Unexpended balance,	\$6,729 20
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It was to be expected that the expenditure the first year would exceed that of any other year, from the fact that the first Legislature had necessarily to create and perfect as far as possible a system of laws for the government of our people. The amount of labor performed by that industrious and honorable body in a session of sixty days, can but be a source of gratification to those gentlemen.

Subsequent legislatures have only to improve and perfect the system then adopted, by wise and judicious amendments, such as usage and the light of experience would seem to indicate, and make such alterations as are demanded by the improved condition of our citizens, and the necessities of the times in which we live. The reduction of expenditures under this head, of five thousand five hundred and forty-three dollars and fourteen cents at the second session, is the best commentary that can be made on the action of the members of that body, and is an

example in this respect well worthy of imitation on your part, and it is to be hoped that you may still further reduce our legislative expenses, (notwithstanding our decided increase of representation) without prejudice to the interests of the public service.

AUDITOR'S REPORT AND MILITIA SERVICE.

I transmit herewith the full and very able report of our Territorial Auditor, to whom much credit is due for the fidelity with which he has discharged his laborious and arduous duties. Incorporated in the report of the Auditor, is that of Hon. James Tufts, Special Commissioner by act of our last Legislative Assembly, approved January 9th, 1863, to pass upon claims of our citizens for military services under the proclamation of my predecessor, issued on the 30th day of August, 1862, calling out the "entire militia of the Territory," for the protection of the lives and property of our citizens.

With great promptness and unanimity our citizens responded to the call of the Governor; remained in service and afforded ample and perfect protection until the immediate danger was over, and until relieved by a force of volunteers regularly mustered into the service of the United States.

The best commentary on the faithfulness and fidelity of Commissioner Tufts, in the discharge of his delicate duties is shown in the aggregate of these claims, which only amounts to \$28,137 17, twenty-eight thousand one hundred and thirty-seven dollars and seventeen cents, for two months services of our militia; including rations, forage, transportation, &c. These figures can but compare favorably with claims of like character which have accrued in other Territories under similar circumstances. I would renew the recommendation of my predecessor in his last annual message, that you memorialize Congress for an appropriation sufficient to refund to the Territory all the expenses incurred by her in providing for the maintenance of the militia on the occasion referred to.

ADJUTANT GENERAL'S REPORT.

I transmit herewith the report of Adjutant General C. P. Booge, which shows the present status of military affairs in the

Territory, so far as returns have been made to his office; but which, owing to the negligence of some of the company officers, and the imperfection of the law creating our militia system, are necessarily very imperfect and unsatisfactory in their details.

In case injustice is done to individuals, it is caused by the negligence of the officers in not making the proper returns to the Adjutant General.

The reforms recommended by General Booge are such as experience has shown to be necessary; and I hope you will provide an efficient law, and a suitable place to store the arms and property of the Territory.

MILITARY POSTS.

The subject of military protection is one in which all our citizens take a deep interest, and it is one of vital importance to us, as, unless ample protection is afforded by the Government, we cannot expect our isolated settlements will flourish and expand.

I am fully convinced that a line of military posts, extending from the Minnesota State line, across the southeastern portion of this Territory, intersecting the Missouri river near the mouth of Crow creek, under the command of officers who will make themselves active in the discharge of their duties, will afford our settlers, and those of northwestern Iowa and southwestern Minnesota, better protection, at less cost to the Government, than can be afforded in any other way. Should the Government see fit to establish military posts at Lake Shetek, in Minnesota; at or near Sioux Falls, and at the crossing of Dakota river, near the mouth of Flint creek, in this Territory; with proper energy and activity on the part of the troops at these several stations, I believe full, ample and perfect protection could be afforded to all the frontier settlers of Minnesota, Iowa and Dakota.

COUNTY CONTROVERSIES.

An unfortunate controversy has existed in two of our organized counties, from the time of their organization under the laws passed at the first session of the Legislature, to the present, and to all appearance, is no nearer a satisfactory solution

than when first inaugurated. This controversy has been a source of much anxiety and regret to our citizens generally, and has had a most damaging and deleterious effect upon the prosperity and development of the counties wherein it exists; and, what is more to be regretted, has been the cause of fostering and keeping alive an ill feeling among neighbors and those who would otherwise be warm personal and political friends. I hope, in your wisdom, you will devise some means of settling and disposing of these unfortunate controversies, which shall have the merit of being strictly just to all the citizens of Bon Homme and Cole counties, and rely on time and strict justice, to heal the unfortunate differences and ill feeling which now exist in those counties.

CONCLUSION.

Hoping that your deliberations may be characterized by such courtesy, forbearance and justice as to give no ground of complaint on the part of any one, I solicit from you your counsel, and hearty co-operation in all measures calculated to promote the well being of Dakota.

I deem it my duty, and it will be a pleasure to me, to furnish you all the information within my reach, calculated to aid you in your deliberations, in arriving at just and equitable conclusions on all subjects, and I shall most cheerfully and heartily co-operate with you in all measures calculated to promote our growth and increase our material wealth and prosperity.

In conclusion, allow me to express the hope that ere the return of the next annual meeting of the Legislature, we may, through the aid of Divine Providence, look upon a re-united, peaceful, happy, and free country.

NEWTON EDMUNDS.

On motion of Mr. Bond,

The joint convention dissolved, and the Council returned to the Council Chamber.

President in the chair.

Mr. Gregory moved that six hundred copies of the message of his Excellency Governor Edmunds, be printed for the use of the Council.

Which motion prevailed.

On motion of Mr. Gregory,

The Council adjourned to meet to-morrow morning at 10 o'clock.

ENOS STUTSMAN, *President*

J. R. HANSON, *Secretary*.

FOURTH DAY.

COUNCIL CHAMBER, }
Thursday, Dec. 10, 1863. }

Council met pursuant to adjournment, at 10 o'clock, A. M., and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names, to wit:

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers, Rich, Stone, Taylor, F., Taylor, J. O., Thompson, and Mr. President.

On motion of Mr. Bothun,

The reading of the journal of the 9th was dispensed with.

Mr. Stone gave notice that he would, on to-morrow or some subsequent day of the session, introduce a bill granting a ferry charter across the Dakota river, at or near the residence of A. Van Osdel.

Mr. Bothun gave notice that he would, on to-morrow or some future day of the session, introduce a bill regulating weights and measures.

Mr. Kingsbury gave notice that he would, on to-morrow, or

some future day of the session, introduce a bill concerning licenses.

Mr. Kingsbury introduced Council Bill No. 1, An act concerning fugitives from justice.

The President announced the following

STANDING COMMITTEES.

Judiciary—Messrs. Kingsbury, Gregory, and Taylor, J. O.

Education—Messrs. Rich, Taylor, F., and Bradford.

Military Affairs—Messrs. Gregory, Bothun, and Stone.

Incorporations.—Messrs. Bothun, Rich, and Thompson.

Finance—Messrs. Compton, Bradford, and Mathers.

Elections—Messrs. Kingsbury, Thompson, and Compton.

Public Buildings—Messrs. Bradford, Mathers, and Stone.

Highways Bridges and Ferries—Taylor, F., Bradford, and Taylor, J. O.

Counties—Messrs. Bothun, Stone, and Rich.

Territorial Affairs—Messrs. Thompson, Compton, and Rich.

Public Printing—Messrs. Gregory, Bothun, and Bradford.

Agriculture—Messrs. Stone, Mathers, and Thompson.

Expenditures—Messrs. Mathers, Compton, and Taylor F.

Federal Relations—Messrs. Taylor, J. O., Gregory, and Kingsbury.

Engrossed and Enrolled Bills—Messrs. Taylor, J. O., Taylor, F., and Kingsbury.

C. B. No. 1, An act concerning fugitives from justice, was taken up,

Read first and second time, and

Referred to committee on judiciary.

On motion of Mr. Kingsbury,

The Council resolved itself into committee of the whole on the Governor's message.

Mr. Kingsbury in the chair.

After some time spent therein the committee arose and through their chairman made the following report:

MR. PRESIDENT:—The committee of the whole to whom was referred the Governor's message, beg leave to make the following recommendations:

That all that portion of the Governor's message comprised between the beginning and the first sub-head (Sioux War) be referred to committee on Territorial Affairs.

That all that portion of the Governor's message comprised under the head of "Sioux War," be referred to committee on military affairs.

That all that portion under the head of "Military Posts," be referred to committee on military affairs.

That all that portion under the head of "Organization of Dakota," be referred to committee on territorial affairs.

That all that portion under the head of "Education," be referred to committee on education.

That all that portion under the head of "Election Law," be referred to committee on elections.

That all that portion under the head of "Adjutant General's Report," be referred to the committee on military affairs.

That all that portion under the head of "County Controversies," be referred to committee on counties.

That all that portion under the head of "Immigration," be referred to committee on federal relations.

That all that portion under the head of "Route to Gold Mines," be referred to committee on highways, bridges, and ferries.

That all that portion under the head of "Pacific Railroad Route," be referred to committee on incorporations.

That all that portion under the head of "Auditor's Report and Militia Service," be referred to committee on expenditures.

That all that portion under the head of "Public Domain," be referred to committee on agriculture.

That all that portion under the head of "Legislative Expenses," be referred to committee on finance.

G. W. KINGSBURY, Ch'n.

Mr. Bothun moved the report be adopted,
Which motion prevailed.

On motion of Mr. Kingsbury,

The Council adjourned to meet to-morrow morning at 10 o'clock.

ENOS STUTSMAN, *President.*

J. R. HANSON, *Secretary.*

FIFTH DAY.

COUNCIL CHAMBER, }
Friday, Dec, 11, 1863. }

Council met pursuant to adjournment, at 10 o'clock, A. M., and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names, to wit:

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor, F., Thompson and Mr. President.

The journals of the 9th. and 10th were then read and approved.

Mr. Thompson gave notice that he would on to-morrow or some subsequent day of the session, introduce a bill changing the boundary lines of Charles Mix county.

Mr. Kingsbury gave notice that he would on to-morrow or some subsequent day of the session, introduce a bill for an act concerning the drainage of lands.

Mr. Bothun gave notice that he would on to-morrow or some subsequent day of the session, introduce a bill regulating the height of fences.

Mr. Stone introduced C. B. No. 2, An act granting to Abram Vanosdel and his heirs and assigns the right to keep and maintain a ferry on the Dakota river.

Mr. Kingsbury introduced C. B. No. 3, An act concerning licenses.

Mr. Bothun introduced C. B. No. 4, An act regulating weights and measures.

C. B. No. 2, An act granting to Abram Vanosdel and his heirs and assigns the right to keep and maintain a ferry on the Dakota river, was then taken up and

Read a first and second time, and

Referred to the committee on highways, bridges and ferries.

C. B. No. 3, An act concerning licenses, was then taken up, and

Read a first and second time, and

Referred to the committee on judiciary.

C. B. No. 4, An act regulating weights and measures, was then taken up and

Read a first and second time, and

Referred to the committee on territorial affairs."

Mr. Kingsbury moved that Mr. Gregory be excused for non-attendance the 10th inst.

Which motion prevailed.

Mr. Mathers moved that leave of absence be granted Mr. Taylor, J. O., in consequence of indisposition.

Which motion prevailed.

Mr. Taylor, F. moved that leave of absence be granted Mr. Compton, in consequence of ill health.

Which motion prevailed.

On motion of Mr. Gregory,

The Council adjourned, to meet to-morrow morning, at 11 o'clock.

ENOS STUTSMAN, *President*

J. R. HANSON, *Secretary*.

SIXTH DAY.

COUNCIL CHAMBER, }
Saturday, Dec. 12, 1863.

Council met pursuant to adjournment, at 11 o'clock A. M., and was called to order by the

President in the chair.

Roll called.

The following members answered to their names, to wit :

Messrs. Bothun, Bradford, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor, F., Thompson and Mr. President.

The journal of the 11th was then read and approved.

Mr. Kingsbury introduced C. B. No. 5, An act regulating and encouraging the drainage of lands.

Mr. Kingsbury introduced the following resolution :

Resolved, That the Rev. Mr. Hoyt, chaplain of this Council, be excused for non-attendance this day.

G. W. KINGSBURY.

The resolution was adopted.

C. B. No. 5, An act to regulate and encourage the drainage of lands, was then taken up and

Read a first and second time, and

Referred to the committee on agriculture.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, }

YANKTON, Dec 12, 1863. }

MR. PRESIDENT :—The House has passed H. F. No. 2, entitled An act to repeal the acts establishing the counties of Kittson, Chippewa, Cheyenne and Stevens, and the seventh Council and Representative districts, and the concurrence of the Council is respectfully requested.

MAHLON GORE, *Chief Clerk*.

Mr. Gregory in the chair.

Mr. Stutsman introduced C. B. No. 6, An act repealing certain acts and parts of acts therein named.

The President resumed the chair.

H. F. No. 2, An act to repeal the acts establishing the counties of Kittson, Chippewa, Cheyenne, Stevens, and the seventh Council and Representative districts, was then taken up and

Read a first and second time, and

Referred to the committee on territorial affairs.

C. B. No. 6, An act repealing certain acts and parts of acts therein named, was then taken up, and

Read a first and second time.

Mr. Kingsbury in the chair.

Mr. Stutsman moved that the rules be suspended, and the bill read a third time.

Which motion prevailed

The bill was then read a third time.

The President in the chair.

Mr. Gregory moved that the bill be referred to a special committee.

Which motion did not prevail.

The bill was then put upon its final passage.

The yeas and nays being ordered, resulted—

Yeas 8, nays 2, as follows:

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Kingsbury, Mathers, Rich, Stone, Thompson and Mr. President.

Those who voted in the negative were

Messrs. Grégory and Taylor, F.

So the bill passed, and its

Title was agreed to.

Mr. Kingsbury gave notice that he would on Monday, the 14th inst., or some subsequent day of the session, introduce a bill entitled An act relative to divorce.

On motion of Mr. Gregory,

The Council adjourned, to meet at 11 o'clock, Monday morning.

ENOS STUTSMAN, *President.*

J. R. HANSON, *Secretary.*

EIGHTH DAY.

COUNCIL CHAMBER,
Monday, December 14, 1863.

Council met pursuant to adjournment at 11 o'clock, A.M., and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names, to wit :

Messrs. Bothun, Bradford, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor, F., Thompson and Mr. President.

Journal read and approved.

Mr. Kingsbury gave notice that he would, on to-morrow or some subsequent day of the session, introduce a bill entitled An act regulating reprieves, commutations, and pardons and remission of fines.

Mr. Stutsman gave notice that he would, on to-morrow or some subsequent day of the session, introduce a bill entitled An act granting to John Stanage a charter for a ferry on the Dakota River.

Also, a bill entitled An act granting to Sabey Strahm a charter for a ferry on the Missouri River.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, }
December 14, 1863. }

MR. PRESIDENT:—I am instructed to inform you that the House of Representatives have passed H. F. No. 4, entitled An act legalizing the election of Charles F. Picotte and Ole Sampson as county commissioners of Yankton county, and respectfully ask the concurrence of the Council therein.

MAHLON GORE,

Chief Clerk.

Mr. Kingsbury introduced C. B. No. 7, An act relative to divorce.

Mr. Kingsbury introduced the following resolution :

Resolved, That our assistant secretary, Charles F. Rossteucher, be excused from attendance this day, owing to severe illness.

The resolution was adopted.

Mr. Kingsbury moved that Rule No. 17 of the rules governing the Council be temporarily suspended,

Which motion prevailed.

Mr. Kingsbury then moved that the vote by which C. B. No. 6 passed the Council on the 12th inst., be reconsidered,

Which motion prevailed.

Mr. Kingsbury moved that C. B. No. 6, be referred to a special committee with instructions to report immediately,

Which motion prevailed, and the

President appointed as such committee Messrs. Kingsbury, Rich, and Taylor, F.

Mr. Taylor, F. chairman of the committee on highways, bridges and ferries, made the following report :

MR. PRESIDENT:—Your committee to whom was referred C. B. No. 2, An act granting to Abram Van Osdel and his heirs and assigns the right to keep and maintain a ferry on the Dakota river, have had the same under consideration and beg leave to report the same back without amendment and recommend its passage.

FRANKLIN TAYLOR, Ch'n.

Mr. Kingsbury, chairman of the special committee to whom was referred C. B. No. 6, submitted the following report :

MR. PRESIDENT:—A majority of your special committee to whom was referred council bill No. 6, entitled An act repealing certain acts and parts of acts therein named, have had the same under consideration, and beg leave to submit the following report, embodying, in part, the reasons which will influence their action upon the important subject herein considered.

Your committee conclude that at the time when the section of country comprised in the present counties of Kittson, Chipewewa, Sheyenne, and Stevens, was erected into a Council and Representative District, the understanding possessed by a majority of that Legislature concerning that section of our Territory was largely derived from speculation, and that but an imperfect and doubtful opinion existed respecting the political rights belonging to individuals resident of that portion of Dakota. An accommodating disposition was, doubtless, largely prevalent, and as all public matters concerning the Territory, were, at that time, taking preliminary degrees, each representative of a local interest was indulged according to his own representations and desires, as near as could be, without that strict regard for justice and legality, which time and mature reflection would suggest.

Subsequent to the passage of the acts creating the counties before named and apportioning to them members of this Legislative Assembly, more thoughtful consideration has been given the subject, and unsophisticated reasoning has given rise to a knowledge which denies the justice and legality of that action, and calls for immediate redress on the part of citizens of other organized legislative districts of our Territory.

The fact that the counties of Kittson, Chippewa, Sheyenne, and Stevens, were created out of domain from which the Indian title had never been extinguished, and consequently not under the executive or judicial jurisdiction of our local Territorial laws and courts, is of sufficient importance to demand their obliteration, and the repeal of the acts creating them. The fact that representatives from the districts named when residing within the territory comprised in these counties are not amenable to the very laws they themselves aid in enacting, is a sufficient cause to justly deny them any participation in the creation of such laws. The fact that they enjoy a total immunity from taxation, and from the provisions of all general laws enacted by our Territorial Legislature, of itself, denies the justice and equity of their claims to representation in this Legislature on an equality with the members from other districts.

Your committee are furthermore, apprehensive that some of the citizens of the ceded portions of our Territory, have long indulged erroneous opinions regarding the number and character of the occupants of the Territory comprised in the aforementioned counties. From circumstances and reports of an authentic character, we are forced to believe that with the exception of a few licensed traders, and philanthropic Missionaries, together with the custom-house officer and his assistants at Pembina, the resident occupants of that country are composed of Indians, half-breeds, and, until within the past eighteen months a few Canadian and Scotch farmers that had strayed across the boundary line from the Selkirk settlement in the British Possessions, and who were not naturalized citizens of the United States, and who were tolerated by the Indian owners of that soil, until the breaking out of the present Indian war, in August, 1862, which event rendered their situa-

tion so perilous that they were compelled to remove from the country.

Aside from these considerations, your committee is sensible that the great diversity of interests, socially, politically, and commercially, which exists between the ceded portions of Dakota and the Red River of the North, demands an early recognition, and while we would not desire to do an act which though just, would entail injury upon the political and commercial prospects of that section of our Territory, we feel that the passage of the Act now under consideration will be a step toward facilitating such action on the part of those persons interested in the prosperity of that country, and the General Government as will result in the extinguishment of the Indian titles, and the opening of that rich and fertile country to civilization and settlement. Our affirmative action in this matter, will forcibly bring to the attention of the proper authorities the condition of that portion of our Territory, and its wants will find more speedy alleviation, and some of the obstacles which now prevent it from the enjoyment of local political and judicial advantages, will be sooner removed.

Concerning the other portions of the bill under consideration, your committee deem it necessary for the public interests, and essential to the ends of justice, and a proper precaution against fraud and deception, that such disposition should be made of them, as is suggested by the bill itself.

In conclusion, your committee would recommend the passage of the bill without amendment.

GEO. W. KINGSBURY, Ch'm.

M. M. RICH.

C. B. No. 6, was then taken up, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 8, nays 2, as follows:

Those who voted in the affirmative were,

Messrs. Bothun, Bradford, Kingsbury, Mathers, Rich, Stone, Thompson and Mr. President.

Those who voted in the negative, were

Messrs. Gregory and Taylor F.

So the bill passed, and its

Title was agreed to.

C. B. No. 2, was then taken up,

Read a third time and put upon its passage,

The yeas and nays being ordered, the vote stood:

Yeas 10, nays none, as follows :

Those who voted in the affirmative, were

Messrs. Bothun, Bradford, Gregory, Kingsbury, Mathers,
Rich, Stone, Taylor F., Thompson and Mr. President.

So the bill passed, and its

Title was agreed to.

H. F. No. 4, An Act legalizing the election of C. F. Picotte and Ole Sampson, as County Commissioners of Yankton County, was then taken up,

Read a first and second time and

Referred to the committee on Judiciary.

C. B. No. 7, An act relative to divorce, was then taken and

Read a first and second time.

Mr. Kingsbury moved that the bill be referred to a select committee of three.

Which motion prevailed

The President appointed as such committee,

Messrs. Gregory, Kingsbury and Taylor F.

On motion of Mr. Gregory,

The Council adjourned, to meet at 11 o'clock, Monday morning.

ENOS STUTSMAN, *President.*

J. R. HANSON, *Secretary.*

NINTH DAY.

COUNCIL CHAMBER, }
Tuesday, Dec. 15, 1863.

Council met pursuant to adjournment, at 11 o'clock A. M.,
and was called to order by

The President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names, to wit:

Messrs. Bothun, Bradford, Gregory, Kingsbury, Mathers, Rich, Taylor, F., Thompson and Mr. President.

The journal of the preceding day was then read and approved.

Mr. Rich gave notice that he would on to-morrow or some subsequent day of the session, introduce a bill for a territorial road from Pacquett's ferry, by way of Richland and Commerce City to Sioux Falls.

Mr. Bradford gave notice that he would on to-morrow or some subsequent day of the session introduce a bill legalizing the official acts of Laban H. Litchfield as Register of Deeds for the county of Bon Homme, Dakota Territory.

Mr. Kingsbury gave notice that he would on to-morrow, or some subsequent day of the session introduce a bill providing for the organization of Townships.

Mr. Stutsman introduced C. B. No. 8, An act granting to John Stanage, a charter for a ferry on the Dakota river.

Also, C. B. No. 9, An act granting to Sabey Strahm, a charter for a ferry on the Missouri river at Yankton.

Mr. Kingsbury introduced C. B. No. 10, An act regulating reprieves, commutations and pardons, and remission of fines and forfeitures.

C. B. No. 8, was then taken up and

Read a first and second time, and

Referred to the committee on Highways, Bridges and Ferries.

C. B. No. 9, was then taken up,

Read a first and second time, and

Referred to committee on Highways, Bridges and Ferries.

C. B. No. 10, was then taken up and

Read a first and second time, and

Referred to the committee on Judiciary.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December 15, 1863.

MR. PRESIDENT:—I am instructed to inform the Council

that the House have appointed Mr. Bond, as a committee of one, to confer with a like committee upon the part of your honorable body, to revise the election law of Dakota Territory, and that said committee be authorized to report by printed copy.

MAHLON GORE,

Chief Clerk.

Mr. Kingsbury moved that a committee of one be appointed by the President, to act with a similar committee on the part of the House, to revise the election law.

Which motion prevailed, and

The President appointed Mr. Kingsbury such committee.

Mr. Kingsbury chairman of the committee on Judiciary, submitted the following report:

MR. PRESIDENT:—Your committee on Judiciary, to whom was referred C. B. No. 1, An act concerning fugitives from justice, have had the same under consideration and report the same back to the Council without amendment and recommend its passage.

G. W. KINGSBURY, Ch'n.

Mr. Gregory moved that C. B. No. 1, be made the special order for to-morrow at 11½ o'clock A. M., in committee of the Whole.

Which motion prevailed.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
YANKTON, Dec 15, 1863. }

MR. PRESIDENT:—I am instructed to inform your honorable body that the House have passed H. F. No. 1, entitled An act to locate a Territorial road from Vermilion to Yankton.

Also, H. F. No. 5, entitled An act conferring the right of citizenship on Zepier Rencontre, A. Rencontre, Chas. J. Brazeau, Peter Grant and Batis Beaufort, and respectfully ask the concurrence of the Council therein.

The House have also, suspended the rules and passed C. B. No. 6.

Also, H. F. No. 7, entitled an act legalizing the acts of certain county officers of Clay county, and respectfully ask the concurrence of the Council.

MAHLON GORE,

Chief Clerk.

H. F. No. 1, was then taken up and
 Read a first and second time, and
 Referred to the committee on Highways, Bridges and Fer-
 ries.

H. F. No. 5, was then taken up and
 Read a first and second time, and
 Referred to committee on Education.

H. F. No. 9, was then taken up and
 Read a first and second time, and
 Referred to the committee on Counties.

Mr. Kingsbury from the committee on Engrossed and En-
 rolled bills, reported back C. B. No. 6, correctly enrolled:

On motion of Mr. Gregory,
 The Council adjourned to meet to-morrow morning at 11
 o'clock.

ENOS STUTSMAN, *President*

J. R. HANSON, *Secretary*.

TENTH DAY.

COUNCIL CHAMBER, }
 Wednesday, Dec. 16, 1863. }

Council met pursuant to adjournment at 11 o'clock, A. M.,
 and was called to order by the

President in the Chair.

Prayer by the Chaplain.

Roll called.

The following members answered to their names, to wit:

Messrs. Bothun, Bradford, Gregory, Kingsbury, Mathers,
 Rich, Stone, Taylor, F. Thompson and Mr. President.

The journal of the preceding day was then read and ap-
 proved.

Mr. Thompson gave notice that he would, on to-morrow or

some subsequent day of the session introduce a bill providing for the incorporation of villages.

Mr. Bradford gave notice that he would on to-morrow or some subsequent day of the session introduce a bill for a ferry charter across the Missouri River near Bon Homme.

Mr. Kingsbury introduced C. B. no. 11, An act providing for the organization of townships:

Mr. Rich introduced C. B. no. 12, An act to establish a Territorial road commencing at Pacquett's ferry on the Big Sioux river, by way of Richland, Commerce City to Sioux Falls.

Mr. Kingsbury introduced the following resolution :

Resolved, That J. M. Stone be excused for non-attendance at the session of the Council, on Tuesday, the 15th inst.

The resolution was adopted.

Mr. Kingsbury, chairman of the committee on judiciary, submitted the following report :

MR. PRESIDENT :—Your committee on judiciary, to whom was referred H. F. no. 4, An act legalizing the election of C. F. Picotte and Ole Sampson as county commissioners of Yankton county, have had the same under consideration, and beg leave to report the same back to the Council recommending its passage without amendment.

GEO. W. KINGSBURY, Ch'n.
J. SHAW GREGORY.

Mr. Rich, chairman of committee on education, submitted the following report ;

MR. PRESIDENT :—Your committee to whom was referred H. F. no. 5, An act conferring the rights of citizenship upon Zepfier Renconter, A. Renconter, Chas. J. Brazeau, Peter Grant and Battis Dufont, have had the same under consideration, and beg leave to report the same back without amendment and recommend its passage.

M. M. RICH, Chairman.
D. P. BRADFORD,
F. TAYLOR.

Mr. Bothun, chairman of committee on counties, submitted the following report :

MR. PRESIDENT :—Your committee to whom was referred H. F. no. 9, have had the same under consideration, and report the same back without amendment and recommend its passage.

L. BOTHUN, Chairman.

Mr. Gregory in the chair.

Mr. Stutsman asked and obtained leave to introduce C. B. no. 13, An act incorporating the Historical society of Dakota.

The President resumed the chair.

H. F. no. 4 was then taken up and

Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 10, nays none, as follows :

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor, F. Thompson and Mr. President.

So the bill passed and its

Title was agreed to.

H. F. no. 5 was then taken up and

Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 8, nays 2, as follows.

Those who voted in the affirmative were

Messrs. Bradford, Gregory, Kingsbury, Mathers, Rich, Taylor, F. Thompson and Mr. President.

Those who voted in the negative were

Messrs. Bothun and Stone.

So the bill passed and its

Title was agreed to.

H. F. no. 7 was then taken up and

Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 10, nays none, as follows :

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor, F. Thompson and Mr. President.

So the bill passed and its

Title was agreed to.

C. B. no. 11 was then taken up and
Read a first and second time and
Referred to the committee on counties.

C. B. no. 12 was then taken up and
Read a first and second times and
Referred to the committee on highways, bridges and ferries.

C. B. no. 13 was then taken up and
Read a first and second time and
Referred to the committee on incorporations.

On motion of Mr. Gregory

The Council resolved itself into committee of the whole, to
take into consideration C. B. no. 1.

Mr. Kingsbury in the chair.

After some time spent therein, the committee rose and
through their chairman made the following report :

MR. PRESIDENT:—The committee of the whole have had under consideration, pursuant to special order, C. B. no. 1, An act concerning fugitives from justice, and report the same back to the Council with the following amendments, and recommend its passage.

Sec. 9. Be it further enacted that chapter 44, of the laws of 1862, entitled "An act relative to fugitives from justice, and the surrender of the same," approved May 15th, 1862, be and the same is hereby repealed.

Sec. 10. This act shall take effect from and after its passage.

GEO. W. KINGSBURY, Chairman.

On motion of Mr. Gregory

The Council adjourned, to meet to-morrow morning, at 11 o'clock.

ENOS STUTSMAN, *President*

J. R. HANSON, *Secretary*.

ELEVENTH DAY.

COUNCIL CHAMBER,
Thursday, December 17, 1863. }

'Council met pursuant to adjournment at 11 o'clock, A. M., and was called to order by the

President in the chair.

Prayer by the chaplain.

'Roll called.

The following members answered to their names, to wit :

Messrs. Bothun, Bradford, Kingsbury, Mathers, Rich, Taylor, F., Thompson and Mr. President.

Mr. Bradford gave notice that he would, on to-morrow, or some subsequent day of the session, introduce a bill to amend Sec. 18, of Chapter 6, of the Criminal Code of last session.

Mr. Stutsman gave notice that on to-morrow or some subsequent day of the session, he would introduce a bill, entitled An Act, authorizing the Governor to appoint an Auditor and Treasurer, of the Territory of Dakota.

Mr. Bothun introduced C. B. No. 14, An act regulating the height of fences, and for other purposes.

Mr. Bradford introduced C. B. No. 15, An act legalizing the official acts of Laban H. Litchfield.

Mr. Thompson introduced C. B. No. 16, An act for the incorporation of villages.

Mr. Kingsbury, chairman of the committee on Judiciary made the following report :

MR. PRESIDENT :—Your committee on Judiciary, to whom was referred, C. B. No. 3, An act concerning licenses, have had the same under consideration, and report the bill back without amendment, recommending its passage.

GEO. W. KINGSBURY, Ch'n,
J. SHAW GREGORY.

The following message was received from the House :

HOUSE OF REPRESENTATIVES,
YANKTON, Dec. 17, 1863. }

MR. PRESIDENT:—I have the honor to transmit to your Honorable body herewith, for concurrence therein H. F. No. 8, entitled A bill for an act relative to the office of Assessor and Collector of taxes.

Also, H. F. No. 9, An act authorizing John Cain and Cornelious Cain to establish and keep a ferry on the Missouri river.

Also, H. F. No. 11, A memorial to the Hon. Post Master General, asking for an increase of "speed" and mail service on mail route No —, from Sioux City, Iowa, to Fort Randall, D. T., all of which have passed the House.

The House have also concurred in C. B. No. 2, which is herewith returned.

MAHLON GORE, *Chief Clerk.*

Mr. Taylor F., chairman of the committee on Highways, Bridges and Ferries, submitted the following report:

MR. PRESIDENT:—Your Committee on Highways, Bridges and Ferries, to whom was referred H. F. No. 1, An act locating a Territorial road from Vermillion to Yankton, have had the same under consideration and beg leave to report the same back without amendment, and recommend its passage.

FRANKLIN TAYLOR, *Ch'n.*

Mr. Thompson chairman of the committee on Territorial Affairs, submitted the following report:

MR. PRESIDENT:—Your committee on Territorial Affairs to whom C. B. No. 4, was referred, have had the same under consideration and report the same back, and recommend its passage.

JOHN J. THOMPSON,

M. M. RICH.

Mr. Kingsbury, from the committee on Engrossed and Enrolled bills submitted the following report:

MR. PRESIDENT:—Your committee on Engrossed and Enrolled bills, beg leave to report that they presented C. B. No. 6, An act repealing certain acts and parts of acts therein named, to his Excellency, Gov. Edmunds, for his approval, at six o'clock, p. m., Dec. 16th, 1863.

G. W. KINGSBURY,

For the committee.

The unfinished business of the preceding day was then taken up for consideration, and

The report of the committee of the Whole, which had had under consideration C. B. No. 1, on that day, as submitted by the chairman Mr. Kingsbury, was adopted.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, }
YANKTON, Dec. 17, 1863. }

MR. PRESIDENT:—I have the honor to transmit herewith, to your honorable body, H. F. No. 10, entitled An act to locate a Territorial road from Yankton to Ft. Randall, which has passed the House, and the concurrence of the Council is respectfully requested.

MAHLON GORE,
Chief Clerk.

Mr. Kingsbury moved that C. B. No. 1, be engrossed for a third reading to-morrow,

Which motion prevailed.

C. B. No. 14, was then taken up and

Read a first and second time, and

Referred to the committee on Agriculture.

C. B. No. 15, was then taken up and

Read a first and second time, and

Referred to the committee on Counties.

C. B. No. 16 was then taken up and

Read a first and second time, and

Referred to the committee on Incorporations.

H. F. No. 8, A bill for an act relative to the office of assessor and collector of taxes, was then taken up and

Read a first and second time, and

Referred to the committee on finance.

H. F. No. 9, An act authorizing John Cain and Cornelius Cain, to establish and keep a ferry on the Missouri river, was then taken up and

Read a first and second time, and

Referred to the committee on Highways, Bridges and Ferries.

H. F. No. 10, An act to locate a Territorial road from Yankton to Fort Randall was then taken up and.

Read a first and second time, and

Referred to the committee on Territorial affairs.

H. F. No. 11, A memorial to the Hon. P. M. General asking for an increase of "speed" and mail service on mail route o—, from Sioux City, Iowa, to Fort Randall, D. T. was then taken up and

Read a first and second time, and

Referred to the committee on Federal Relations.

C. B. No. 3, was then taken up.

Mr. Kingsbury moved that the bill be made the special order to-morrow at 11½ o'clock A. M., in committee of the Whole.

Which motion prevailed.

C. B. No. 4, was then taken up and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 8, nays none, as follows.

Those who voted in the affirmative were,

Messrs. Bothun, Bradford, Kingsbury, Mathers, Rich, Taylor, F., Thompson and Mr. President.

So the bill passed and its

Title was agreed to.

H. F. No. 1, was then taken up and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 8, nays none, as follows:

Those who voted in the affirmative were,

Messrs. Bothun, Bradford, Kingsbury, Mathers, Rich, Taylor F., Thompson and Mr. President.

So the bill passed and its

Title was agreed to.

On motion of Mr. Kingsbury,

The Council adjourned to meet to-morrow morning at 11 o'clock.

ENOS STUTSMAN, *President.*

J. R. HANSON, *Secretary.*

TWELFTH DAY.

COUNCIL CHAMBER,
Friday, Dec. 18, 1863. }

Council met pursuant to adjournment, at 11 o'clock, A. M., and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names, to wit :

Messrs. Bothun, Bradford, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor, F., Thompson, and Mr. President.

The journal of the preceding day was then read and approved.

Mr. Stutsman gave notice that he would, to-morrow or some subsequent day of the session, introduce a bill entitled "An act providing for the appointment of guardians, and prescribing their duties."

Mr. Bradford introduced C. B. no. 17, An act granting to Charles E. Rowley and his heirs, a charter for a ferry across the Missouri river.

Mr. Stutsman introduced C. B. no. 18, An act authorizing the Governor to appoint an Auditor and a Treasurer of the Territory of Dakota.

Mr. Gregory offered the following resolution :

Resolved, That Mr. Stone be excused for non-attendance yesterday on account of sickness.

The resolution was adopted.

Mr. Stone offered the following resolution :

Resolved, That J. Shaw Gregory be excused for non-attendance on this Council on the 17th inst.

The resolution was adopted.

Mr. Bothun, chairman of the committee on incorporations, submitted the following report :

MR. PRESIDENT:—Your committee on incorporations has had Council bill no. 13, under consideration, and report the

same back without amendment and recommend its passage.

L. BOTHUN, Chairman.

J. J. THOMPSON,

M. M. RICH.

Mr. Taylor, F., chairman of the committee on highways, bridges and ferries, submitted the following report :

MR. PRESIDENT:—Your committee on highways, bridges and ferries, to whom was referred Council bills Nos. 8, 9, and 12, have had the same under consideration, and beg leave to report the same back without amendment and recommend their passage.

FRANKLIN TAYLOR, Chairman.

Mr. Bothun, chairman of the committee on counties, submitted the following report :

MR. PRESIDENT:—Your committee on counties to whom was referred C. B. no. 15, report the same back without amendment and recommend its passage.

L. BOTHUN, Chairman,

J. M. STONE,

M. M. RICH.

Mr. Thompson chairman of the committee on Territorial affairs, submitted the following report :

MR. PRESIDENT:—Your committee on Territorial affairs, to whom H. F. no. 10 was referred, have had the same under consideration, and report the same back and recommend its passage.

J. J. THOMPSON,

M. M. RICH.

Mr. Gregory, from the committee on federal relations, submitted the following report :

MR. PRESIDENT:—Your committee on federal relations, to whom was referred H. F. no. 11, A memorial to the Hon. P. M. General, asking for an increase of speed and mail service on mail route No...., have had the same under consideration, and report it back without amendment, recommending its passage.

J. SHAW GREGORY.

Mr. Taylor F., From the committee on engrossed and enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on engrossed and enrolled bills report C. B. no. 1, An act concerning fugitives from justice, correctly engrossed.

FRANKLIN TAYLOR.

At half past 11 o'clock A. M., the Council resolved itself into committee of the whole, to take into consideration C. B. No. 3, the special order.

Mr. Kingsbury in the chair,

After some time spent therein, the committee rose and through their chairman submitted the following report:

MR. PRESIDENT:—The committee of the whole have had under consideration, pursuant to special order. C. B. No. 3, An act concerning licenses, and have instructed me to report progress, and ask leave to sit again.

G. W. KINGSBURY.

Leave was granted.

The following communication was received from His Excellency, the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE, }
YANKTON, Dec. 17, 1863.

To the Honorable Council:

GENTLEMEN:—I have this day examined, approved, and signed a Council bill entitled "An act repealing certain acts and parts of acts therein named."

NEWTON EDMUNDS,
Governor.

C. B. no. 17 was then taken up and

Read a first and second time and

Referred to the committee on highways, bridges, and ferries.

C. B. no. 18 was then taken up and

Read a first and second time and.

Referred to the committee on Territorial affairs.

C. B, no. 1 was then taken up and

Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 10, nays none, as follows:

Those who voted in the affirmative were
Messrs. Bothun, Bradford, Gregory, Kingsbury, Mathers,
Rich, Stone, Taylor F., Thompson and Mr. President.

So the bill passed and its
Title was agreed to.

C. B. no. 8 was then taken up and
Read a third time and put upon its passage.
The yeas and nays being ordered the vote stood
Yeas 10, nays none, as follows :

Those who voted in the affirmative were
Messrs. Bothun, Bradford, Gregory, Kingsbury, Mathers,
Rich, Stone, Taylor F., Thompson and Mr. President.

So the bill passed and its
Title was agreed to.

C. B. No. 9 was then taken up and
Read a third time and put upon its passag.
The yeas and nays being ordered the vote stood
Yeas 10, noes none, as follows :

Those who voted in the affirmative were
Messrs. Bothun, Bradford, Gregory, Kingsbury, Mathers,
Rich, Stone, Taylor F., Thompson and Mr. President.

So the bill passed and its
Title was agreed to.

C. B. No. 12 was then taken up and
Read a third time and put upon its passage.
The yeas and nays being ordered the vote stood
Yeas 10, nays none, as follows.

Those who voted in the affirmative were
Messrs. Bothun, Bradford, Gregory, Kingsbury, Mathers,
Rich, Stone, Taylor, F. Thompson and Mr. President.

So the bill passed and its
Title agreed to.

C. B. No. 13 was then taken up and
Read a third time and put upon its passage.
The yeas and nays being ordered the vote stood
Yeas 10, nays none, as follows :
Those who voted in the affirmative were

Messrs. Bothun, Bradford, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor F., Thompson and Mr. President.

So the bill passed and its
Title was agreed to.

C. B. No. 15 was then taken up.

Mr. Gregory moved the bill be engrossed for a third reading to-morrow.

Which motion prevailed.

H. F. No. 10 was then taken up and

Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood :

Yeas 10, nays none, as follows :

Those who voted in the affirmative were

Messrs Bothun, Bradford, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor F., Thompson and Mr. President.

So the bill passed and its
Title was agreed to.

H. F. No. 11 was then taken up and

Read a third time and put upon its passage.

The Yeas and nays being ordered the vote stood

Yeas 10, nays none, as follows :

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor F., Thompson and Mr. President.

So the bill passed and its
Title was agreed to.

On motion of Mr. Kingsbury

The Council adjourned to meet to-morrow morning at 11 o'clock.

ENOS STUTSMAN, *President*

J. R. HANSON, *Secretary*.

THIRTEENTH DAY.

COUNCIL CHAMBER, }
Saturday, Dec. 19, 1863. }

Council met pursuant to adjournment, at 11 o'clock A. M., and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names, to wit :

Messrs. Bothun, Bradford, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor, F., Thompson and Mr. President.

The journal of the preceding day was then read and approved.

Mr. Bothun gave notice that he would, next Monday or some subsequent day of the session, introduce a bill annulling section second of chapter 35 of the laws of 1862.

Mr. Kingsbury gave notice that he would, on Monday, the 21st inst., or some subsequent day of the session, introduce a bill providing for the keeping of dogs.

Mr. Stutsman gave notice that he would, on Monday next, or some subsequent day of the session, introduce a bill entitled An act concerning apprentices.

Mr. Stutsman introduced C. B. No. 19, An act providing for the appointment of guardians, and prescribing their duties.

Mr. Bradford introduced C. B. No. 20, An act to amend section 18, chapter 6, of the criminal code.

Mr. Stone moved that the vote by which C. B. No. 1, entitled An act concerning fugitives from justice, passed this body on the 18th inst., be reconsidered,

Which motion prevailed.

Mr. Kingsbury, chairman of the committee on judiciary, submitted the following report :

MR. PRESIDENT:—Your committee on judiciary, to whom was referred C. B. No. 10, An act regulating reprieves, commutations and pardons and remission of fines and forfeitures,

have had the same under consideration and beg leave to report the bill back with the following amendments and recommend its passage :

Sec. 7. That chapter 64, entitled "an act regulating pardons by the governor," approved May 14th, 1862, is hereby declared repealed.

Sec. 8. This act shall take effect from and after its passage.

GEO. W. KINGSBURY, Ch'n.

J. SHAW GREGORY.

Mr. Bradford, from the committee on finance, submitted the following report :

MR. PRESIDENT :—Your committee on finance, to whom was referred H. F. No. 8, A bill for an act relative to the office of assessor and collector of taxes, beg leave to report the same back, and recommend that it be referred to the committee of the whole.

D. P. BRADFORD,

JOHN MATHERS.

Mr. Taylor, F., chairman of the committee on highways, bridges and ferries, submitted the following report :

MR. PRESIDENT :—Your committee on highways, bridges, and ferries, to whom was referred H. F. No. 9, An act authorizing John Cain and Cornelius Cain to establish and keep a ferry on the Missouri river, have had the same under consideration and beg leave to report the same back without amendment and recommend its passage.

FRANKLIN TAYLOR, Ch'n.

Mr. Thompson, chairman of the committee on territorial affairs, submitted the following report :

MR. PRESIDENT :—Your committee on territorial affairs, to whom C. B. No. 18, was referred, have had the same under consideration, and report the same back and recommend its passage without amendment.

J. J. THOMPSON,

M. M. RICH.

Mr. Taylor, F. from the committee on engrossed and enrolled bills, submitted the following report :

MR. PRESIDENT :—Your committee on engrossed and en-

rolled bills would respectfully report that council bill No. 2, entitled An act granting to Abram Van Osdel and his heirs and assigns the right to keep and maintain a ferry on the Dakota river, is correctly enrolled.

FRANKLIN TAYLOR, Ch'n.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December 19, 1863.

MR. PRESIDENT:—I have the honor to transmit to your honorable body herewith, for concurrence therein, H. F. No. 12, entitled An act repealing an act in chapter 57 of the session laws, approved January 3, 1863.

Also, H. F. No. 13, entitled An act granting to J. B. Greenway the right to keep and maintain a ferry on the Dakota river, both of which have passed the House.

MAHLON GORE,

Chief Clerk.

C. B. No. 10, reported back by the committee on judiciary, with amendments, was then taken up, considered, and

The report of the committee adopted.

Mr. Gregory moved the bill be engrossed for a third reading next Monday, the 21st inst.,

Which motion prevailed.

H. F. No. 8, reported back by the committee on finance, recommending its reference to committee of the whole, was then taken up, considered, and

The report of the committee adopted.

Mr. Gregory moved the bill be made the special order on Monday, the 21st inst., at half-past eleven o'clock,

Which motion prevailed.

H. F. No. 9, was then taken up and

Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood:

Yeas 10, nays none, as follows.

Those who voted in the affirmative were,

Messrs. Bothun, Bradford, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor, F., Thompson and Mr. President.

So the bill passed and its
Title was agreed to.

C. B. No. 18 was then taken up and
Read a third time and put upon its passage,
The yeas and nays being ordered the vote stood
Yeas 10, nays none, as follows :

Those who voted in the affirmative were
Messrs. Bothun, Bradford, Gregory, Kingsbury, Mathers,
Rich, Stone, Taylor, F. Thompson and Mr. President.

So the bill passed and its
Title was agreed to.

C. B. No. 1 was then taken up.

Mr. Kingsbury moved the bill be indefinitely postponed,
Which motion prevailed.

C. B. No. 19, was then taken up and
Read a first and second time, and
Referred to the committee on judiciary.

C. B. No. 20, was then taken up and
Read a first and second time, and
Referred to the committee on judiciary.

Mr. Taylor, F. from committee on engrossed and enrolled
bills, reported C. B. No. 15, correctly engrossed.

C. B. No. 15 was then taken up and
Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood
Yeas 10, nays none, as follows :

Those who voted in the affirmative were
Messrs. Bothun, Bradford, Gregory, Kingsbury, Mathers,
Rich, Stone, Taylor, F. Thompson and Mr. President.

So the bill passed and its
Title was agreed to.

Mr. Kingsbury moved that C. B. No. 3, which had been
made the special order for this day, be made the special order
on Tuesday next, at half-past 11 o'clock, in committee of the
whole,

Which motion prevailed.

Mr. Gregory, chairman of the special committee to whom

was referred C. B. No. 7, submitted the following report :

MR. PRESIDENT:—Your special committee on council bill No. 7, relative to divorce, report the same back without amendment, and recommend that it be referred to the committee of the whole, on Wednesday next at 11½ o'clock, A. M.

J. SHAW GREGORY, Ch'n.

The report was adopted.

On motion of Mr. Gregory,

The Council adjourned, to meet at 11 o'clock, Monday morning.

ENOS STUTSMAN, *President.*

J. R. HANSON, *Secretary.*

FIFTEENTH DAY.

COUNCIL CHAMBER, }
Monday, Dec, 21, 1863. }

Council met pursuant to adjournment, at 11 o'clock, A. M., and was called to order by the

President in the Chair.

Prayer by the Chaplain.

Roll called.

The following members answered to their names, to wit :

Messrs. Bothun, Bradford, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor, F., Taylor, J. O., Thompson and Mr. President.

The journal of the preceding day was then read and approved.

Mr. Kingsbury gave notice that he would on to-morrow or some subsequent day of the session introduce a bill providing for limited partnerships.

Mr. Taylor F., gave notice that on to-morrow or some subsequent day of the session, he would introduce a bill changing

the time of holding the U. S. District Court, and the Territorial District court, in the 1st Judicial District.

The following communication was received from the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE,
YANKTON, Dec. 21, 1863. }

To the honorable Council:

GENTLEMEN:—I return herewith, with my approval, An act granting to Abram Van Osdel and his heirs, and assigns the right to keep and maintain a ferry on the Dakota river.

Very respectfully,

Your obedient servant,

NEWTON EDMUNDS,

Governor.

Mr. Bothun introduced C. B. No. 21, An act amending Sec. 2, of chapter 35 of general laws of 1862.

Mr. Kingsbury introduced C. B. No. 22, An act to regulate the license and keeping of dogs,

Mr. Thompson introduced C. B. No. 23, An act changing the boundary lines of Charles Mix county, and establishing the boundary lines of Balcombe county, and for other purposes.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
YANKTON, Dec. 21, 1863. }

MR. PRESIDENT:—I have the honor to transmit to your honorable body herewith, for concurrence therein,

H. F. No. 14, entitled an act to locate a Territorial road from Pacquetts ferry to Vermilion.

H. F. No. 15, A bill for an act incorporating a bridge company at Vermilion and for other purposes.

H. F. No. 16, An act authorizing married women to convey real estate by power of attorney, all of which bills have passed the Hon. House.

MAHLON GORE,

Chief Clerk.

Mr. Stutsman introduced C. B. No. 24, An act concerning apprentices.

Leave was granted Mr. Stutsman to introduce C. B. No. 25,

An act authorizing Felix Le Blanc and Gonzague Bourret to build and keep a toll bridge.

Mr. Thompson chairman of the committee on Territorial affairs, to whom was referred all that portion of the Governors message comprised between the beginning and first sub-head, Sioux war, reported C. B. No. 26; joint resolution on the state of the Union.

Mr. Taylor F., chairman of the committee on highways, bridges and ferries, submitted the following report:

MR. PRESIDENT:—Your committee on highways, bridges and ferries to whom was referred, C. B. No. 17, An act granting to Charles E Rowley, and his heirs, a charter for a ferry across the Missouri river, have had the same under consideration, and report the bill back without amendment, recommending its passage.

FRANKLIN TAYLOR, Ch'n.

Mr. Taylor F., from the committee on engrossed and enrolled bills submitted the following report:

MR. PRESIDENT:—Your committee on enrolled and engrossed bills, report back C. B. No. 10, as correctly engrossed.

FRANKLIN TAYLOR, Ch'n.

Mr. Kingsbury, from the committee on Engrossed and Enrolled bills submitted the following report:

MR. PRESIDENT:—Your committee on Engrossed and Enrolled bills have to report that on the 19th inst., we handed to his Excellency the Governor, for his approval, a bill entitled An act granting to Abram Van Osdel, and his heirs and assigns, the right to keep and maintain a ferry on the Dakota river.

FRANKLIN TAYLOR,

G. W. KINGSBURY,

Committee.

H. F. No. 12, was then taken up and

Read a first and second time, and

Referred to committee on Territorial affairs.

H. F. No. 13, was then taken up and

Read a first and second time, and

Referred to the committee on Highways, Bridges and Ferries.

C. B. No. 10, was then taken up.

Mr. Gregory moved the bill be laid on the table,
Which motion prevailed.

C. B. No. 17, was then taken up and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 11, nays none, as follows:

Those who voted in the affirmative were,

Messrs. Bothun, Bradford, Gregory, Kingsbury, Mathers,
Rich, Stone, Taylor F., Taylor J. O., Thompson and Mr.
President.

So the bill passed, and its

Title was agreed to.

H. F. No. 14, An act to locate a Territorial road from
Packquetts ferry to Vermilion was then taken up and

Read a first and second time, and

Referred to the committee on highways, bridges and ferries.

H. F. No. 15, A bill for an act incorporating a bridge com-
pany at Vermillion, and for other purposes, was then taken up
and

Read a first and second time, and

Referred to the committee on Counties.

H. F. No. 16, An act authorizing married women to convey
real estate by power of attorney, was then taken up and

Read a first and second time, and

Referred to the committee on military affairs.

C. B. No. 21, was then taken up and

Read a first and second time, and

Referred to the committee on agriculture.

C. B. No. 22, was then taken up and

Read a first and second time and

Referred to the committee on incorporations.

C. B. No. 23 was then taken up and

Read a first and second time. and

Referred to the committee on Counties.

H. F. No. 24, was then taken up and

Read a first and second time, and

Referred to committee on judiciary.

C. B. No. 25, was then taken up,

Read a first and second time, and

On motion of Mr. Gregory,

The rules were suspended, and

Read a third time and put upon its passage,

The yeas and nays being ordered, the vote stood

Yeas 10, nays none, as follows:

Those who voted in the affirmative, were

Messrs. Bradford, Gregory, Kingsbury, Mathers, Rich,
Stone, Taylor F., Taylor J. O., Thompson and Mr. President.

Mr. Bothun was excused from voting.

So the bill passed, and its

Title was agreed to.

C. B. no. 26 was then taken up and

Read a first and second time and

Referred to the committee on federal relations.

Mr. Kingsbury moved that H. F. No. 8, which had been made the special order at 11½ o'clock to-day, be made the special order to-morrow at 12 o'clock M.

Which motion prevailed.

Mr. Taylor F., chairman of the committee on engrossed and enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on enrolled and engrossed bills, have examined H. F. Nos. 5, 10 and 11, and report the same correctly engrossed.

FRANKLIN TAYLOR, Chairman.

On motion of Mr. Bothun,

The Council adjourned to meet to-morrow morning at 11 o'clock.

ENOS STUTSMAN, *President.*

J. R. HANSON, *Secretary.*

SIXTEENTH DAY.

COUNCIL CHAMBER, }
Tuesday, Dec. 22, 1863. }

Council met pursuant to adjournment, at 11 o'clock A. M., and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names, to wit:

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor, F., Taylor, J. O., Thompson, and Mr. President.

The journal of the preceding day was then read and approved.

Mr. Rich gave notice that he would on to-morrow or some subsequent day of the session introduce an act to extend the boundary lines of Cole County, and for other purposes.

Mr. Kingsbury gave notice that he would on to-morrow, or some subsequent day of the session introduce a bill providing for the record of town plats.

Mr. Stone gave notice that he would on to-morrow or some subsequent day of the session, introduce a bill legalizing the acts of the road commissioners of Yankton county, created and appointed by an act passed and approved January 9th, 1863—chapter 55 of the code.

Mr. Bothun introduced C. B. No. 27, An act granting to Louis Amundsen and Mons Nelson a ferry charter across the Missouri river.

Mr. Kingsbury introduced C. B. No. 28, An act relating to limited partnerships.

Mr. Kingsbury, chairman of the committee on judiciary, submitted the following report :

MR. PRESIDENT, Your committee on judiciary, to whom was referred C. B. No. 29, An act to amend section 18, chapter 6, of the Criminal Code, beg leave to report that they have had

the same under consideration, and recommend that it be referred to a committee of the whole on Thursday next at 11 1-2 o'clock.

GEO. W. KINGSBURY, Ch'n.
J. SHAW GREGORY.

Mr. Gregory, chairman of the committee on military affairs, submitted the following report:

MR. PRESIDENT:—Your committee on military affairs, have had under consideration H. F. No. 16, and report the same back recommending its passage.

J. SHAW GREGORY, Ch'n.

Mr. Thompson chairman of the committee on Territorial Affairs, submitted the following report:

MR. PRESIDENT:—Your committee on Territorial affairs, to whom H. F. No. 12, was referred, report the same back with amendments attached, and recommend its passage.

J. J. THOMPSON, Ch'n,
HUGH COMPTON.

Mr. Gregory in the chair,

Mr. Stutsman moved that the vote by which C. B. No. 25, entitled "An act authorizing Felix LeBlanc and Gonzaque Bouret, to build and keep a toll bridge, passed the Council yesterday, be reconsidered.

Which motion prevailed

Change the number of section 10, to section 11.

Mr. Stutsman then offered the following amendments to the bill:

And add the following as section 10: Sec. 10. The said bridge authorized to be built and kept by this act, shall not be a floating bridge, or a temporary bridge formed by attaching together two or more boats, rafts, or other floating structures; but it shall be a substantial frame bridge, well put together, resting upon secure bents, and of sufficient height to elevate the stringers, or the timbers supporting the floor, above high water mark.

The amendment was adopted.

The following communication was received from the House:

HOUSE OF REPRESENTATIVES,
December 22, 1863.

MR. PRESIDENT:—I have the honor of returning to your honorable body the following Council bills, to wit: C. B. No. 9, An act granting to Saby Strahm a charter for a ferry on the Missouri river, at Yankton.

C. B. No. 8, An act granting to John Stanage, a charter for a ferry on the Dakota river—and

C. B. No. 13. An act incorporating the Historical Society of Dakota.

Which bills have been concurred in and passed the House.

I also transmit herewith the following House Files, which have passed the House, and most respectfully ask the concurrence of the honorable Council therein—viz:

H. F. No. 19, An act granting to Ole Sampson a ferry charter across the Missouri river, opposite St. Helena, N. T., and

H. F. No. 21, An act granting to Andrew Peterson, his heirs, and assigns, the right to keep and maintain a ferry on the Vermillion river.

MAHLON GORE,
Chief Clerk.

Mr. Taylor J. O., chairman of the committee on engrossed and enrolled bills reported C. B. No. 25, as correctly engrossed.

C. B. No. 20, reported back by the committee on judiciary, recommending its reference to committee of the whole, next Thursday, was then taken up, considered, and

The report of the committee adopted.

Mr. Kingsbury, chairman of the committee on Judiciary submitted the following report:

MR. PRESIDENT:—Your committee on judiciary to whom was referred C. B. No. 19, An act providing for the appointment of guardians and prescribing their duties, beg leave to report the bill back and recommend its passage.

GEO. W. KINGSBURY, Ch'n.
J. SHAW GREGORY.

H. F. No. 12, referred back by the committee on territorial affairs, with amendments, was then taken up, considered, and

The report of the committee adopted.

The bill was then read a third time, and put upon its passage.

The ayes and noes being ordered, the vote stood,

Yeas 12, noes none, as follows :

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor, F., Taylor, J. O., Thompson and Mr. President.

So the bill passed, and its

Title as amended was agreed to.

H. F. No. 16 was then taken up,

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 12, nays none, as follows :

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor, F., Taylor, J. O., Thompson, and Mr. President.

So the bill passed and its

Title agreed to.

C. B. No. 19 was then taken up and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 12, noes none, as follows :

Those who voted in the affirmative were,

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor, F. Taylor, J. O. Thompson, and Mr. President.

So the bill passed and its

Title agreed to.

C. B. No. 21, An act granting to Andrew Peterson, his heirs and assigns the right to keep and maintain a ferry on the Vermillion river, was then taken up, and

Read a first and second time, and

Referred to committee on Highways, Bridges and Ferries.

H. F. No. 19, An act granting to Ole Sampson a ferry charter across the Missouri river, opposite St. Helena, N. T., was then taken up, and

Read a first and second time, and

Referred to the committee on highways, bridges and ferries.

C. B. No. 25 was then taken up, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 12, noes none, as follows :

Those who voted in the affirmative were,

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor, F., Taylor, J. O., Thompson, and Mr. President.

So the bill passed and its

Title agreed to.

C. B. No. 27, was then taken up, and

Read first and second time, and

Referred to the committee on highways, bridges, and ferries.

C. B. No. 28 was then taken up, and

Read a first and second time, and

Referred to the committee on territorial affairs.

Mr. Taylor, J. O., chairman of the committee on engrossed and enrolled bills, made the following report :

MR. PRESIDENT :—Your committee on engrossed and enrolled bills, have examined H. F's No. 1, 4, 7, and 9, and report the same as correctly enrolled.

J. O. TAYLOR, Ch'n.

At half past 11 o'clock the Council resolved itself into committee of the whole to take into consideration C. B. No. 3, and H. F. No. 8.

Mr. Kingsbury in the chair.

After some time spent therein, the committee arose, and through their chairman submitted the following report :

MR. PRESIDENT :—The committee of the whole to whom was referred C. B. No. 3, An act concerning licenses, have had the same under consideration, and instruct me to report the bill back to the Council, recommending its passage. The committee of the whole have likewise considered H. F. No. 8, An act relative to the office of assessor and collector of taxes, and report the same back to the Council, recommending that it do pass.

G. W. KINGSBURY, Chairman.

H. F. No. 8 was then taken up and
Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 12, nays none, as follows :

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury,
Mathers, Rich, Stone, Taylor F., Taylor J. O., Thompson and
Mr. President.

So the bill passed and its

Title was amended and agreed to.

C. B. No. 3 was then taken up.

Mr. Bothun offered the following amendments, which were
adopted :

Sec. 22. All acts and parts of acts that conflict with this act
are hereby repealed.

On motion of Mr. Gregory,

The bill was ordered engrossed for a third reading to-morrow.

On motion of Mr. Gregory

The Council adjourned until to-morrow morning at 11 o'clock.

ENOS STUTSMAN, *President.*

J. R. HANSON, *Secretary.*

SEVENTEENTH DAY.

COUNCIL CHAMBER, }
Wednesday, Dec. 23, 1863. }

Council met pursuant to adjournment at 11 o'clock, A. M.,
and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names, to wit :

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury

Mathers, Rich, Stone, Taylor, F. Taylor, J. O. Thompson and Mr. President.

The journal of the preceding day was then read and approved.

Mr. Rich introduced C. B. No. 29, an act for the establishment of Union county, locate the county seat, of the same, and legalizing the acts of certain county officers of the county of Cole.

Mr. Kingsbury introduced C. B. No. 30, An act providing for the record of town plats.

Mr. Taylor, F., chairman of the committee on highways, bridges and ferries, submitted the following report:

MR. PRESIDENT:—Your Committee on Highways, Bridges and Ferries, to whom was referred H. F. No. 13, An act granting to J. B. Greenway the right to keep and maintain a ferry on the Dakota river.

Also, H. F. No. 14, An act to locate a territorial road from Pacquette's ferry to Vermillion, have had the same under consideration, and beg leave to report the same back without amendment and recommend their passage.

FRANKLIN TAYLOR, Ch'n.

Mr. Thompson chairman of the committee on Territorial affairs, submitted the following report:

MR. PRESIDENT:—Your committee on territorial affairs, to whom H. F. No. 2. was referred, report the same back and recommend its indefinite postponement.

J. J. THOMPSON,

Mr. Taylor, J. O. chairman of the committee on engrossed and enrolled bills, made the following report:

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have to report that we have examined council bills No. 9 and 13 and find them correctly enrolled.

J. O. TAYLOR, Ch'n.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December 23, 1863. }

MR. PRESIDENT:—I have the honor to transmit herewith to

your honorable body, H. F. No. 23, A bill for an act incorporating St. John's Lodge of Ancient, Free and Accepted Masons, which has passed the House; and the concurrence of the Council is most respectfully requested.

MAHLON GORE,
Chief Clerk.

H. F. No. 13 was then taken up, and
Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,
Yeas 10, noes none, as follows :

Those who voted in the affirmative were,
Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers,
Rich, Stone, Taylor, F., Thompson and Mr. President.

So the bill passed and its
Title agreed to.

H. F. No. 14 was then taken up.

Mr. Bothun offered the following amendment, which was
adopted :

Amend first line of section 1 by striking out the name of A.
L. Edwards and inserting in lieu thereof, the name of Isaiah
Boman.

The bill was then read a third time and put upon its pas-
sage.

The yeas and nays being ordered, the vote stood,
Yeas 11, noes none, as follows :

Those who voted in the affirmative were,
Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers,
Rich, Stone, Taylor, F., Taylor, J. O., Thompson, and Mr.
President.

So the bill passed, and its
Title agreed to.

H. F. No. 2 was then taken up—with the report of the
committee on territorial affairs recommending its indefinite
postponement—considered, and

The report of the committee adopted.

C. B. No. 29 was then taken up, and
Read a first and second time, and
Referred to the committee on counties.

C. B. No. 30 was then taken up, and
Read a first and second time, and
Referred to committee on territorial affairs.

H. F. No. 23, A bill for an act incorporating St. John's
Lodge of Ancient, Free and Accepted Masons, was then taken
up, and

Read a first and second time, and
Referred to the committee on incorporations.

On motion of Mr. Kingsbury,

At half-past 11 o'clock, A. M., the Council resolved itself
into committee of the whole to take into consideration C. B.
No. 7.

After some time spent therein, the committee rose and
through their chairman made the following report:

MR. PRESIDENT:—The committee of the whole to whom
was referred C. B. No. 7, An act relative to divorce, have had
the same under consideration, and instruct me to report their
recommendation that the bill do pass with the following amend-
ment: Add to section 31, "and that all acts and parts of
acts conflicting with the provisions of this act, are hereby re-
pealed.

G. W. KINGSBURY, Ch'n.

The report was adopted.

On motion of Mr. Gregory,

The bill was ordered engrossed for a third reading next
Monday, the 28th inst.

Mr. Kingsbury from the special committee appointed on the
part of the Council to act in conjunction with a similar com-
mittee on the part of the House to draft a general election
law, submitted the following report:

MR. PRESIDENT:—Your special committee appointed to draft
a general election law for the Territory of Dakota, in conjunc-
tion with a similar committee from the House, have performed
that duty and beg leave to report that the result of their
labor will, this day, be submitted to the House of Represen-
tatives.

GEO. W. KINGSBURY,
Committee on part of Council.

Order of the Day,

The Council adj. until to-morrow evening at 8 o'clock.

ENOS STUTSMAN, President.

J. R. HANSON, Secretary.

EIGHTEENTH DAY.

COUNCIL CHAMBER, }
Thursday, Dec. 24, 1863. }

Council met pursuant to adjournment, at 11 o'clock, A. M., and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names, to wit:

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor, F., Taylor J. O., Thompson, and Mr. President.

The journal of the preceding day was then read and approved.

Mr. Bothun chairman of the committee on counties submitted the following report:

MR. PRESIDENT:—Your committee on counties to whom was referred C. B. No. 23, report the same back with the following amendments, and recommend its passage. Amend Sec. 5, so as to read as follows: Sec. 5, The said county of Charles Mix shall constitute the fifth council and representative district and shall be entitled to a representation of one member of the council, and two members of the House of representatives; and the said county of Balcombe shall be attached to the county of Charles Mix; for election and revenue purposes. Amend Sec. 4, by striking out the word "Revenue" in the last line.

C. B. No. 23 Was then taken up, considered and

The report of the committee on the
 petition of the Council was adopted.

Mr. J. O. TAYLOR, Chairman of the committee on engineering
 and construction, made the following report:

Mr. President:—Your committee on engineering and con-
 rolled bills have to report that on the 23rd day of Dec., at 4
 o'clock P. M., we handed to his excellency, the Governor, for
 his approval, C. B. No. 8, 9 and 13.

J. O. TAYLOR, Ch'n.

On motion of Mr. Gregory,

The Council adjourned, to meet to-morrow morning, at 9½
 o'clock.

ENOS STUTSMAN, *President.*

J. R. HANSON, *Secretary.*

NINETEENTH DAY.

COUNCIL CHAMBER,
 Friday, December 25, 1863. }

Council met pursuant to adjournment at 9½ o'clock, A. M.,
 and was

Called to order by the President.

There being no quorum present,

The Council was adjourned to its regular hour to-morrow.

ENOS STUTSMAN, *President.*

J. R. HANSON *Secretary.*

TWENTIETH DAY.

COUNCIL CHAMBER, }
 Saturday, Dec. 26, 1863. }

Council met pursuant to adjournment at 10 o'clock A. M.,
 and was

Called to order by the President.

There being on quorum present,

The Council was adjourned to its regular hour on the 28th inst.

ENOS STUTSMAN, *President.*

J. R. HANSON, *Secretary.*

TWENTY-SECOND DAY.

COUNCIL CHAMBER, }
Monday, Dec, 28, 1863. }

Council met pursuant to adjournment, at 10 o'clock, A. M., and was called to order by the

President in the Chair.

Prayer by the Chaplain.

Roll called.

The following members answered to their names, to wit:

Messrs. Bradford, Compton, Kingsbury, Mathers, Rich, Stone, Taylor, J. O., Thompson and Mr. President.

The journals of the 24th, 25th and 26th, were then read and approved.

Leave was granted Mr. Kingsbury to introduce C. No. 31, An act to authorize and regulate the business of banking.

Leave was granted Mr. Stutsman to introduce C. B. No. 32, An act concerning lunatics.

Mr. Bradford from the committee on highways, bridges and ferries, submitted the following report:

MR. PRESIDENT:—Your committee on highways, bridges, and ferries, have had H. F. No. 19 and 21 under consideration and ask leave to report the same back without amendment and recommend their passage.

D. P. BRADFORD.

Mr. Thompson chairman of the committee on Territorial affairs submitted the following report:

MR. PRESIDENT:—Your committee on Territorial affairs have examined C. B. No. 28, and report the same back, and recommend its indefinite postponement.

J. J. THOMPSON,

H. COMPTON,

M. M. RICH,

Committee.

Mr. Taylor J. O., chairman of the committee on engrossed and enrolled bills made the following report:

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have to report that we have examined C. B. No. 23, and find it correctly engrossed,

J. O. TAYLOR, Ch'n.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

YANKTON, Dec. 28, 1863. }

MR. PRESIDENT:—I have the honor to inform your honorable body that the House has passed the following H. Fs., to-wit:

H. F. No. 6, An act to incorporate the Minnesota and Dakota railroad company.

H. F. No. 20, An act locating a Territorial Road from the Big Sioux river to Yankton.

H. F. No. 20 An act to repeal chapter ten of the private laws. Which H. Fs., I herewith transmit to your honorable body and respectfully ask the concurrence of the Council therein.

The House have also passed and concurred in the following Council bills viz:

C. B. No. 12 An act to establish a Territorial road commencing at Paquett's ferry, on the Big Sioux river, by way of Richland and Commerce city to Sioux Falls with attached amendment.

C. B. No. 15, An act legalizing the official acts of Laban H. Litchfield, register of deeds of Bon Homme county, with annexed amendment.

C. B. No. 18, An act authorizing the Governor to appoint an Auditor and a Treasurer of the Territory of Dakota, which bills I herewith return to your honorable body.

The House has also concurred in the amendment to H. F. No. 8 and 12.

MAHLON GORE,
Chief Clerk.

The following communication was received from the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE, }
YANKTON, Dec. 27, 1863. }

To the honorable Council:

GENTLEMEN:—I have the honor herewith, to return to your body with my approval,

C. B. No. 8, An act granting to John Stanage a charter for a ferry on the Dakota river.

C. B. No. 9, An act granting to Sabey Strahm, a charter for a ferry on the Missouri river at Yankton.

C. B. No. 13, An act incorporating the Historical Society, of Dakota:

Very respectfully,

Your obedient servant,

NEWTON EDMUNDS,

Governor.

H. F. No. 19, was then taken up and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 8, nays none, as follows:

Those who voted in the affirmative were,

Messrs. Bradford, Compton, Kingsbury, Mathers, Rich, Taylor J. O., Thompson and Mr. President.

So the bill passed and its

Title was agreed to.

H. F. no. 21 was then taken up and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 8, nays none, as follows:

Those who voted in the affirmative were,

Messrs. Bradford, Compton, Kingsbury, Mathers, Rich, Taylor J. O., Thompson and Mr. President.

So the bill passed, and its

Title was agreed to.

C. B. No. 28, reported back by the committee on Territorial affairs recommending its indefinite postponement, was then taken up, considered, and

The report of the committee adopted.

C. B. no. 23 was then taken up and

Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 8, nays none, as follows:

Those who voted in the affirmative were

Messrs. Bradford, Compton, Kingsbury, Mathers, Rich, Taylor J. O., Thompson and Mr. President.

So the bill passed and its

Title was agreed to.

C. B. No. 31, was then taken up and

Read a first and second times and

Referred to the committee on incorporations.

C. B. No. 32 was then taken up and

Read a first and second time and

Referred to the committee on judiciary.

C. B. No. 12, returned from the House with amendments, was then taken up, considered, and

The amendments concurred in, and bill ordered enrolled.

C. B. No. 15, returned from the House with amendments, was then taken up, considered, and

The amendments concurred in, and bill ordered enrolled.

H. F. No. 6, An act to incorporate the Minnesota and Dakota railroad company, was then taken up and

Read a first and second time, and

Referred to the committee on incorporations.

H. F. No. 20, An act locating a territorial road from the Big Sioux river to Yankton, was taken up, and

Read a first and second time, and

Referred to the committee on Highways, Bridges and Ferries.

H. F. No. 29, An act to repeal chapter 10, of the private laws was then taken up and

Read a first and second time, and

Referred to the committee on education.

On motion of Mr. Kingsbury

The Council resolved itself into committee of the whole, to take into consideration C. B. no. 20.

Mr. Kingsbury in the chair.

After some time spent therein, the committee rose and through their chairman submitted the following report:

MR. PRESIDENT:—The committee of the whole to whom was referred C. B. No. 20 An act to amend section eighteen, chapter six, of the criminal code, have had the same under consideration, and have instructed me to report the bill back without amendment and recommend its passage.

G. W. KINGSBURY, Ch'n.

C. B. No. 20 was then taken up and

Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 8, nays none, as follows:

Those who voted in the affirmative were

Messrs. Bradford, Compton, Kingsbury, Mathers, Rich, Taylor, J. O., Thompson and Mr. President.

So the bill passed and its

Title was agreed to.

On motion of Mr. Kingsbury,

The Council adjourned to meet to-morrow morning at 11 o'clock.

ENOS STUTSMAN, *President.*

J. R. HANSON, *Secretary.*

TWENTY-THIRD DAY.

COUNCIL CHAMBER, }
Tuesday, Dec. 29, 1863. }

Council met pursuant to adjournment, at 11 o'clock A. M., and was called to order by the President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names, to wit:

Messrs. Bradford, Compton, Kingsbury, Mathers, Rich, Stone, Taylor, J. O., Thompson, and Mr. President.

The journal of the preceding day was then read and approved.

Mr. Kingsbury, chairman of the committee on judiciary, submitted the following report:

MR. PRESIDENT, Your committee on judiciary, to whom was referred C. B. No. 24, An act concerning apprentices, have had the bill under consideration, and instruct me to report the same back without amendment and recommend its passage.

GEO. W. KINGSBURY, Ch'm.

Mr. Rich, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:—Your committee on education, to whom was referred H. F. No. 29, have had the same under consideration, and beg leave to report the same back without amendment and recommend its passage.

M. M. RICH, Chairman.

D. P. BRADFORD.

Mr. Rich, from the committee on incorporations, submitted the following report:

MR. PRESIDENT:—Your committee on incorporations, to whom H. F. No. 6 was referred, beg leave to report the same back and recommend its passage with the accompanying amendment.

M. M. RICH,

JOHN J. THOMPSON.

Mr. Rich, from the committee on incorporations, submitted the following report:

MR. PRESIDENT:—Your committee on incorporations, to whom was referred H. F. No. 23, have had the same under consideration, and beg leave to report the same back without amendment and recommend its passage.

M. M. RICH,

JOHN J. THOMPSON.

Mr. Rich, from the committee on incorporations, submitted the following report:

MR. PRESIDENT:—Your committee on incorporations, to whom was referred C. B. No. 22, report the same back and recommend its indefinite postponement.

M. M. RICH,
JOHN J. THOMPSON.

Mr. Stone, from the committee on counties, submitted the following report:

MR. PRESIDENT:—Your committee on counties, to whom was referred Council bill No. 29, have had the same under consideration, and beg leave to report the same back without amendment, and recommend its passage.

J. M. STONE.
M. M. RICH.

Mr. Thompson, chairman of the committee on territorial affairs, submitted the following report:

MR. PRESIDENT:—Your committee on territorial affairs, to whom C. B. No. 30, was referred, have had the same under consideration, and report the same back and recommend its indefinite postponement.

J. J. THOMPSON,

Mr. Stone, chairman of the committee on agriculture, submitted the following report:

MR. PRESIDENT:—Your committee on agriculture to whom was referred C. B. No. 21, have had the same under consideration, and beg leave to report the same back without amendment and recommend its passage.

J. M. STONE, Ch'n,
JOHN MATHERS.

Mr. Taylor J. O., chairman of the committee on engrossed and enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on engrossed and enrolled bills, have to report that we have examined C. B. No. 12, An act to establish a territorial road, commencing at Pacquett's ferry, on the Big Sioux river, by way of Richland, Commerce City, to Sioux Falls. C. B. No. 15, An act legalizing the official acts of Laban H. Litchfield, Register of Deeds of Bon Homme county. And C. B. No. 18, An act authorizing the

Governor to appoint an Auditor and a Treasurer of the Territory of Dakota, and find the same correctly enrolled.

J. O. TAYLOR, Chairman.

C. B. No. 21, was then taken up and

On motion of Mr. Kingsbury :

The bill was re-committed to the committee on agriculture.

C. B. No. 22., reported back by the committee on incorporations, recommending its indefinite postponement, was then taken up, considered, and

The report of the committee adopted.

C. B. No. 24 was then taken up and

Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 9, nays none, as follows.

Those who voted in the affirmative were

Messrs. Bradford, Compton, Kingsbury, Mathers, Rich, Stone, Taylor, J. O., Thompson and Mr. President.

So the bill passed and its

Title agreed to.

C. B. No. 29 was then taken up and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 8, nays 1, as follows :

Those who voted in the affirmative were,

Messrs. Bradford, Kingsbury, Mathers, Rich, Stone, Taylor, J. O., Thompson and Mr. President.

Mr. Compton voted in the negative.

So the bill passed and its

Title agreed to.

C. B. No. 30, reported back by the committee on territorial affairs, recommending its indefinite postponement, was then taken up, considered, and

The report of the committee adopted.

C. B. No. 23, was then taken up,

Read a third time and put upon its passage,

The yeas and nays being ordered, the vote stood:

Yeas 9, nays none, as follows :

Those who voted in the affirmative, were

Messrs. Bradford, Compton, Kingsbury, Mathers, Rich, Stone, Taylor J. O., Thompson and Mr. President.

So the bill passed, and its

Title was amended and agreed to.

Mr. Kingsbury moved that the vote by which H. F. No. 23 passed, be re-considered.

Which motion prevailed.

Mr. Kingsbury moved that the bill be referred to a select committee of two.

Which motion prevailed, and

The President appointed Messrs. Kingsbury and Mathers such committee.

H. F. No. 29 was then taken up, and

On motion of Mr. Rich

The bill was re-committed to the committee on education.

H. F. No. 6, reported back by the committee on incorporations, with attached amendments, was then taken up, considered, and

The report of the committee adopted.

The bill was then read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 9, nays none, as follows :

Those who voted in the affirmative were

Messrs. Bradford, Compton, Kingsbury, Mathers, Rich, Stone, Taylor, J. O., Thompson, and Mr. President.

So the bill passed and its

Title was agreed to.

Mr. Kingsbury moved that the vote by which the title to H. F. No. 23, was amended and agreed to, be reconsidered.

Which motion prevailed.

Mr. Kingsbury, chairman of the committee to whom was referred H. F. No. 23, submitted the following report :

MR. PRESIDENT:—Your committee to whom was referred H. F. No. 23, An act to incorporate Saint John's lodge of Ancient Free and Accepted Masons, beg leave to report the following amendments, with the recommendation that the bill do pass.

1st. That the blanks occurring in section one of said bill, be filled by the number 166.

2d. That the title of said bill read as follows:

An act to incorporate Saint Johns' lodge number 166, of
Ancient, Free and Accepted Masons.

GEO. W. KINGSBURY.

JOHN MATHERS.

The report was adopted.

H. F. No. 23, reported back by the select committee with
amendments, was then taken up and put upon its passage.

The yeas and nays being ordered the vote stood.

Yeas 9, nays none, as follows.

Those who voted in the affirmative were.

Messrs. Bradford, Compton, Kingsbury, Mathers, Rich,
Stone, Taylor, J. O., Thompson and Mr. President.

So the bill passed and its

Title agreed to.

On motion of Mr. Kingsbury.

The Council adjourned to meet to-morrow morning at 11
o'clock.

ENOS STUTSMAN, *President.*

J. R. HANSON, *Secretary.*

TWENTY-FOURTH DAY.

COUNCIL CHAMBER, }
Wednesday, Dec. 30, 1863. }

Council met pursuant to adjournment, at 11 o'clock A. M.,
and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names, to wit:

Messrs. Bradford, Compton, Kingsbury, Mathers, Rich,
Stone, Taylor, J., O., Thompson and Mr. President.

The journal of the preceding day was then read and approved.

Mr. Bradford gave notice that he would on to-morrow or some subsequent day of the session introduce a bill entitled an act to provide for the recording of the stamps of the United States internal revenue, and for other purposes.

Mr. Thompson introduced the following resolution :

Resolved, That a committee of one, be appointed to act in conjunction with a similar committee on the part of the House, to visit the Territorial Library, and examine into its condition and report the same to this body, with any suggestions that they may think proper.

J. J. THOMPSON.

The resolution was adopted; and

The President appointed Mr. Taylor J. O., such committee.

Mr. Kingsbury, chairman of the committee on Judiciary submitted the following report :

MR. PRESIDENT:—Your committee on judiciary to whom was referred C. B. No. 32, An act concerning lunatics, have had the same under consideration, and report the same back without amendment, and recommend its passage.

G. W. KINGSBURY,
J. O. TAYLOR.

Mr. Rich, chairman of the committee on education submitted the following report :

MR. PRESIDENT:—Your committee on education, to whom was recommitted House File No. 29, An act to repeal chapter ten of the private laws of 1862, beg leave to report the same back, and recommend its passage with the following amendments attached: Amend the title of the bill so as to read as follows: An act to repeal chapter ten of the private laws of 1862. Also, in section one, after the word laws, insert so as to read, laws of 1862.

M. M. RICH, Ch'n.
D. P. BRADFORD.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
December 30, 1863.

MR. PRESIDENT:—I have the honor herewith, to transmit

to your honorable body the following Council bills, which the House has concurred in and passed, viz: C. B. No. 19, An act providing for the appointment of guardians, and prescribing their duties, and

C. B. No. 25, An act authorizing Felix Leblanc and Gonzague Bouret to build and keep a toll bridge, with annexed amendments.

The House has also passed the following House Files, to wit:

H. F. No. 24, An act to repeal chapter 20 of the private laws.

H. F. No. 25, An act to repeal chapter 23 of the private laws.

H. F. No. 27, An act to create a lien in favor of farmers and others, and

H. F. No. 31, An Act to repeal chapter 12 of the private laws.

The concurrence of the honorable Council is most respectfully requested in the above named House files.

The House has also concurred in the Council amendment to H. F. No. 14.

MAHLON GORE,
Chief Clerk.

Mr. Stone, chairman of the committee on agriculture, submitted the following report:

MR. PRESIDENT:—Your committee on agriculture, to whom was referred C. B. No. 5, An act to regulate and encourage the drainage of lands, have had the same under consideration, and beg leave to report the same back and recommend its indefinite postponement.

J. M. STONE,
JOHN MATHERS.

Mr. Taylor J. O., chairman of the committee on Engrossed and Enrolled bills made the following report:

MR. PRESIDENT—Your committee on engrossed and enrolled bills, have to report that we have examined Council bills Nos. 3 and 7, and find them correctly engrossed.

J. O. TAYLOR, Ch'n.

Mr. Kingsbury, from the committee on engrossed and en-

rolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on engrossed and enrolled bills, have examined House file number 14 and House File number 19, and find the same correctly enrolled.

J. O. TAYLOR,

G. W. KINGSBURY.

C. B. No. 3 was then taken up and
Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 9, noes none, as follows:

Those who voted in the affirmative were

Messrs. Bradford, Compton, Kingsbury, Mathers, Rich,
Stone, Taylor J. O., Thompson and Mr. President.

So the bill passed and its

Title was agreed to.

C. B. No. 7 was then taken up and

Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 5, nays 4, as follows:

Those who voted in the affirmative were

Messrs. Kingsbury, Rich, Stone, Taylor J. O., and Mr.
President.

Those who voted in the negative were

Messrs. Bradford, Compton, Mathers, and Thompson.

So the bill passed and its

Title was agreed to.

C. B. No. 5, reported back by the committee on agriculture, recommending its indefinite postponement, was then taken up and considered, and

The report of the committee was adopted.

Mr. Kingsbury, from the committee on engrossed and enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on engrossed and enrolled bills, have to report that on the 29th day of December, 1863, at 3 o'clock, P. M., we handed to his Excellency, the Governor, for his approval, the following Council bills: C. B. no. 12, An act to establish a territorial road commencing at Pacquette's ferry on the Big Sioux river, by way of Richland, Commerce City, to Sioux Falls;

C. B. no. 15, An act legalizing the official acts of Laban H. Litchfield, register of deeds, of Bon Homme county, and

C. B. no. 18, An act authorizing the governor to appoint an auditor and a treasurer of the Territory of Dakota.

GEO. W. KINGSBURY.

C. B. No. 14 was then taken up and

Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 9, nays none, as follows :

Those who voted in the affirmative were

Messrs. Bradford, Compton, Kingsbury, Mathers, Rich, Stone, Taylor, J. O., Thompson and Mr. President.

So the bill passed and its

Title was agreed to.

H. F. no. 29, reported back by the committee on education, with amendments, was then taken up and

The report of the committee adopted.

The bill was then read a third time, and put upon its passage ;

The yeas and nays being ordered, the vote stood,

Yeas 9, nays none, as follows :

Those who voted in the affirmative were

Messrs. Bradford, Compton, Kingsbury, Mathers, Rich, Stone, Taylor, J. O., Thompson and Mr. President.

So the bill passed and its

Title was agreed to.

C. B. no. 25, returned from the House with amendments, was then taken up, considered and

The amendments concurred in.

H. F. no. 24 An act to repeal chapter 20 of the private laws, was then taken up and

Read a first and second time and.

Referred to the committee on education.

H. F. no. 25, An act to repeal chapter 23 of the private laws, was then taken up and

Read a first and second time and

Referred to the committee on education.

H. F. no. 27, An act to create a lien in favor of farmers and others, was then taken up and

Read a first and second time, and
Referred to committee on agriculture.

H. F. no. 31, An act to repeal chapter 12 of the private laws, was then taken up and

Read a first and secone time and
Referred to the committee on public buildings.

On motion of Mr. Kingsbury

The Council adjourned to meet to-morrow morning at 11 o'clock.

ENOS STUTSMAN, *President*

J. R. HANSON, *Secretary*.

TWENTY-FIFTH DAY.

COUNCIL CHAMBER, }
Thursday, Dec. 31, 1863. }

Council met pursuant to adjournment and was

Called to order by the President.

There being no quorum present,

The Council was adjourned to its regular hour to-morrow.

ENOS STUTSMAN, *President*.

J. R. HANSON *Secretary*.

TWENTY-SIXTH DAY.

COUNCIL CHAMBER, }
Friday, January 1, 1864. }

Council met pursuant to adjournment and was

Called to order by the President.

Prayer by the chaplain.

Roll called.

The following members answered to their names, to wit:

Messrs. Bradford, Compton, Kingsbury, Mathers, Rich, Stone, Taylor, J. O. Thompson and Mr. President.

The reading of the journals of the two preceding days was dispensed with.

No further business appearing,

On motion of Mr. Kingsbury,

The Council adjourned to meet to-morrow morning at 11 o'clock.

ENOS STUTSMAN, *President.*

J. R. HANSON, *Secretary.*

TWENTY-SEVENTH DAY.

COUNCIL CHAMBER, }
Saturday, Jan. 2, 1863. }

Council met pursuant to adjournment, at 11 o'clock A. M., and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names, to wit:

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers, Rich, Stone, Taylor, F., Taylor, J. O., Thompson, and Mr. President.

The journals of December 30, December 31, and January 1st, were read and approved.

Mr. Taylor J. O., gave notice that he would, on Monday, or some subsequent day of the session, introduce a bill concerning the licensing and restraining of dogs.

Also a bill for the protection of sheep, and for other purposes.

Mr. Bradford introduced C. B. No. 33, An act to provide for the recording of the stamps of the United States internal revenue, and for other purposes.

Mr. Bothun introduced the following resolution :

Resolved, That Hon. Franklin Taylor be excused for non-attendance from the 24th of December to the present time, on account of sickness.

The resolution was adopted.

Mr. Compton introduced the following resolution :

Resolved, That the Hon. Lassa Bothun be excused for non-attendance from the 24th of December up to the present date, on account of feeble health.

The resolution was adopted.

Mr. Bradford from the committee on highways, bridges and ferries, submitted the following report :

MR. PRESIDENT:—Your committee on highways, bridges and ferries, have had C. B. No. 27 under consideration and ask leave to report the same back with attached amendments, recommending its passage.

Your committee have also had under consideration H. F. No. 20, and ask leave to report the same back with attached amendments, recommending its passage.

D. P. BRADFORD.

Mr. Taylor, J. O. chairman of the committee on engrossed and enrolled bills, made the following report :

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have to report that we have examined C. B. No. 19, An act providing for the appointment of guardians, and prescribing their duties.

And C. B. No. 25; An act authorizing Felix Le Blanc and Gonzaque Bourret to build and keep a toll bridge on the Dakota river, and find the same correctly enrolled.

J. O. TAYLOR, Ch'm.

C. B. No. 27, reported back by the committee on highways, bridges and ferries with amendments was then taken up, considered, and

The report of the committee adopted.

On motion of Mr. Compton,

The bill was ordered engrossed for a third reading next Monday, the 4th inst.

C. B. No. 33 was then taken up, and

Read a first and second time, and

Referred to the committee on federal relations.

H. F. No. 20, reported back by the committee on highways, bridges and ferries, with amendments, was then taken up, considered, and

The report of the committee adopted.

Mr. Bothun moved the bill be referred to a select committee of three,

Which motion prevailed, and

The President appointed Messrs. Bothun, Taylor, J. O. and Stone, such committee.

On motion of Mr. Kingsbury

The Council adjourned, to meet next Monday morning, at 11 o'clock.

ENOS STUTSMAN, *President.*

J. R. HANSON, *Secretary.*

TWENTY-NINTH DAY.

COUNCIL CHAMBER,

Monday, Jan., 4, 1864.

Council met pursuant to adjournment, at 11 o'clock, A. M., and was called to order by the

President in the Chair.

Prayer by the Chaplain.

Roll called.

The following members answered to their names; to wit:

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers,

Rich, Stone, Taylor, F., Taylor, J. O., Thompson and Mr. President.

On motion of Mr. Kingsbury,

The reading of the journal of the 2nd inst., was dispensed with.

Mr. Mathers gave notice that he would on to-morrow or some subsequent day of the session introduce a bill concerning obstructions of highways, encroachments thereon, and penalties.

Leave was granted Mr. Bothun to introduce C. B. No. 34, An act locating a Territorial road from the Big Sioux river to Yankton.

Mr. Kingsbury introduced the following resolution :

Resolved: That Charles Rossteuscher, Asst. Secretary of this Council, be excused for his recent absence, on account of illness.

The resolution was adopted.

Mr. Rich chairman of the committee on education submitted the following report :

MR. PRESIDENT:—Your committee on education to whom was referred H. F. No. 24, have had the same under consideration and beg leave to report the same back with the following amendments, and recommend its passage : In the title of the bill strike out the word "Dakota" and insert 1862. Also, amend Sec. 1 so as to read, laws of 1862.

Your committee also, had under consideration H. F. No. 25, and beg leave to report the same back with the following amendments and recommend its passage; after the word "laws" in the title of the bill, insert 1862, also, in Sec. 1, after the word "laws" insert so as to read, laws of 1862.

M. M. RICH, Ch'n,
D. P. BRADFORD.

Mr. Bradford chairman of the committee on public buildings submitted the following report :

MR. PRESIDENT:—Your committee on public buildings to whom House File number thirty-one was referred beg leave to report the same back with the following amendments, and recommend its passage. In the title of the bill after the word

law insert, so as to read laws of 1862; in Sec. 1, amend, so as to read laws of 1862.

D. P. BRADFORD,

J. MATHERS.

Mr. Stone, chairman of the committee on agriculture, submitted the following report:

MR. PRESIDENT:—Your committee on agriculture to whom was referred H. F. No. 27, An act to create a lien in favor of farmers and others, have examined the same and beg leave to report the same back and recommend its passage.

J. M. STONE, Ch'n,

J. MATHERS.

Mr. Stone, chairman of the committee on agriculture submitted the following report:

MR. PRESIDENT:—Your committee on agriculture to whom was referred, C. B. No. 21, An act amending Sec. 2, of chapter 35 of the general laws of 1862, have had the same under consideration, and report the same back with the annexed amendments and recommend its passage.

J. W. STONE,

J. MATHERS.

Mr. Taylor, J. O., chairman of the committee on federal relations submitted the following report:

MR. PRESIDENT:—Your committee on federal relations have to report that we have had under consideration C. B. No. 26, joint resolution on the state of the Union, and return the same with the recommendation that the bill do pass.

J. O. TAYLOR, Ch'n.

Mr. Taylor, J. O., from the committee on engrossed and enrolled bills submitted the following report:

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have to report that we have examined C. B. No. 27, and find it correctly engrossed.

J. O. TAYLOR, Ch'n.

The following communication was received from His Excellency, the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE,
YANKTON, Dec. 31, 1863.

To the Honorable Council:

GENTLEMEN:—I herewith return with my approval C.

B. No. 12, an act to establish a Territorial road commencing at Pacquett's ferry on the Big Sioux river by way of Richlad, Commerce city to Sioux Falls.

Also, C. B. No. 15, an act legalizing the official acts of Laban H. Litchfield, register of deeds of Bon Homme county.

Also, C. B. No. 18, An act authorizing the Governor to appoint an auditor and treasurer of the Territory of Dakota.

Very respectfully,

Your obedient servant,

NEWTON EDMUNDS,

Governor.

Mr. Bothun chairman of the select committee to whom was referred H. F. No. 20, on the 2nd inst., submitted the following report:

MR. PRESIDENT:—Your select committee to whom was referred, H. F. No. 20, have had the same under consideration, and beg leave to report the same back and recommend it be indefinitely postponed.

L. BOTHUN,

J. O. TAYLOR,

J. M. STONE.

C. B. no. 27 was then taken up and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 11, nays none, as follows:

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers, Rich, Stone, Taylor, F., Taylor, J. O., Thompson, and Mr. President.

So the bill passed and its

Title agreed to.

The following message was received from the House.

HOUSE OF REPRESENTATIVES,
December 31, 1863.

MR. PRESIDENT:—I have the honor to inform you that the House has concurred in and passed the following C. B's., to-wit:

C. B. No. 17, An act granting to Charles E. Rowley and his heirs, a charter for a ferry across the Missouri river,

And C. B. No. 20, An act to amend Sec. 18, chapter 6, of the criminal code, with annexed amendments, which bills I herewith return to your honorable body.

The House has concurred in the Council amendments to H. F's. Nos. 6 and 23.

The House has also passed the following H. F's.

H. F. No. 26, An act regulating proceedings against garnishees.

H. F. No. 28, An act granting Sever Halverson and Aslake Iverson, a ferry charter on the Missouri river, which are herewith transmitted to your honorable body, and the concurrence of the Council is respectfully requested therein.

MAHLON GORE,
Chief Clerk.

H. F. No. 20, reported back by the select committee, with the recommendation that it be indefinitely postponed, was then taken up considered and

The report of the committee adopted.

C. B. No. 26, was then taken up and

Read a third time, and put upon its passage.

Yeas 11, noes none, as follows :

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Compton, Kingsbury. Mathers, Rich, Stone, Taylor, F., Taylor, J. O., Thompson and Mr. President.

So the bill passed, and its

Title was agreed to.

C. B. No. 21, reported back by the committee on agriculture with annexed amendments, was then taken up considered and

The report of the committee adopted.

On motion of Mr. Kingsbury,

The bill was ordered engrossed for a third reading to-morrow.

H. F. No. 27, was then taken up and

Read a third time, and put upon its passage.

The ayes and noes being ordered, the vote stood,

Yeas 11, noes none, as follows :

Those who voted in the affirmative were,
Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers,
Rich, Stone, Taylor, F., Taylor, J. O., Thompson and Mr.
President.

So the bill passed and its
Title agreed to.

H. F. No. 31, reported back by the committee on public
buildings, with amendments was then taken up and

The report of the committee adopted.

The bill was then read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 11, nays none, as follows:

Those who voted in the affirmative were,

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers,
Rich, Stone, Taylor, F., Taylor, J. O., Thompson and Mr.
President.

So the bill passed and its
Title agreed to.

H. F. no. 24, reported back by the committee on education,
with amendments, was then taken up considered, and

The report of the committee adopted.

The bill was then read a third time, and put upon its pass-
age.

The yeas and nays being ordered, the vote stood,

Yeas 11, nays none, as follows:

Those who voted in the affirmative were,

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers,
Rich, Stone, Taylor, F., Taylor J. O., Thompson and Mr.
President.

So the bill passed, and its
Title was agreed to.

H. F. No. 25, reported back by the committee on education,
with amendments, was then taken up considered, and

The report of the committee adopted.

The bill was then read a third time, and put upon its pass-
age.

The yeas and nays being ordered, the vote stood,

Yeas 11, nays none, as follows:

Those who voted in the affirmative were,
Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers,
Rich, Stone, Taylor, F., Taylor J. O., Thompson and Mr.
President.

So the bill passed and its

Title was agreed to.

C. B. No. 34, was then taken up and

Read a first and second time, and

Referred to the committee on Highways, Bridges and Fer-
ries.

H. F. No. 28, An act granting Siver Halverson and Aslake
Iverson a ferry charter on the Missouri river, was then taken
up and.

Read a first and second time, and

Referred to the committee on highways, bridges and ferries.

H. F. No. 26, An act regulating proceedings against garni-
shees was then taken up, and

Read a first and second time, and

Referred to the committee on Education.

C. B. No. 20, returned from the House with amendments,
was then taken up, considered, and

The amendments concurred in.

Mr. Kingsbury gave notice that he would on to-morrow or
some subsequent day of the session introduce an act to amend
certain chapters of the public laws of 1862.

On motion of Mr. Taylor, J. O.,

The Council adjourned to meet to-morrow morning at 11
o'clock.

ENOS STUTSMAN, *President.*

J. R. HANSON, *Secretary.*

THIRTIETH DAY.

COUNCIL CHAMBER,
Tuesday, Jan. 5, 1864. }

Council met pursuant to adjournment at 11 o'clock A. M., and was called to order by the

President in the chair.

Roll called.

The following members answered to their names, to wit:

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers, Rich, Stone, Taylor, F., Taylor, J. O., Thompson, and Mr. President.

The journals of the 2nd and 4th were then read and approved.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
January 5, 1864. }

MR. PRESIDENT:—I am instructed to inform your honorable body that Mr. Litchfield has been appointed a committee on the part of the House to act with a similar committee on the part of the Council to examine into the condition of the Territorial Library, and report the same to the Legislative Assembly.

MAHLON GORE,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
YANKTON, Jan. 4, 1864. }

MR. PRESIDENT:—I have the honor to inform you that the House has concurred in and passed the following council bills, to wit:

C. B. No. 23, An act changing the boundary lines of Charles Mix county, and establishing the boundary lines of Balcombe county, and for other purposes, with attached amendments.

Also, C. B. No. 29, An act for the establishment of Union county, locate the county seat of the same, and legalize the acts of certain county officers of Cole, which bills I herewith return to your honorable body.

MAHLON GORE,
Chief Clerk.

Mr. Taylor, J. O. introduced C. B. No. 35, An act for the protection of sheep and lambs, and for other purposes.

Mr. Mathers introduced C. B. No. 36, An act respecting the obstruction of highways, encroachments thereon, and penalties.

Mr. Kingsbury introduced C. B. No. 37, An act to amend chapters 15, 16, and 18 of the public laws of 1862.

Mr. Kingsbury introduced the following resolution, and moved its adoption :

Resolved, That the Secretary of this Council be requested to procure from the members and officers of the Council, their names, place of nativity, their residence prior to coming to Dakota, the year of their arrival in Dakota, their occupation, age, and whether married or single,—and to arrange the same in suitable form, for printing with the journal of the present session.

The resolution was adopted.

Mr. Rich, chairman of the committee on education, submitted the following report :

MR. PRESIDENT:—Your committee on education, to whom was referred H. F. No. 26, beg leave to report the same back and recommend it be referred to a committee of the whole.

M. M. RICH, Ch'n.

FRANKLIN TAYLOR,

D. P. BRADFORD.

Mr. Kingsbury, chairman of the committee on elections, submitted the following report :

MR. PRESIDENT:—Your committee on elections to whom was referred that portion of the Governor's message comprised under the head of "Elections," have given to the subject due consideration, and find that, in their opinion, the present law providing for the manner of conducting elections, is deficient in many respects—the most notable deficiency being the almost entire absence of any system by which our citizen soldiery can exercise the right of suffrage. Other deficiencies exist, and to such an extent that your committee feel warranted in suggesting to you the propriety of the appointment of a special committee, whose duty it shall be to examine and revise the present election law and report to the Council such

amendments, as will render the law complete and perfect, and adequate for the wants, of our Territory, both in respect to citizens and soldiers.

GEO. W. KINGSBURY, Ch'n,
HUGH COMPTON,
JOHN J. THOMPSON.

Mr. Bothun, chairman of the committee on counties submitted the following report:

MR. PRESIDENT:—Your committee on counties to whom was referred H. F. No. 15, have had the same under consideration and beg leave to report the same back with the following amendments and recommend its passage:

Strike out section 3 and insert in lieu thereof: "Sec. 3. Said company is, by this act, empowered and authorized to construct and maintain a bridge on the Vermillion river, at a point near the northeast corner of L. E. Philips' claim, and are to enjoy the right of maintaining a bridge at said point until such time as the same shall be unfit for use for six months at any one time."

Mr. Bothun, chairman of the committee on counties submitted the following report:

MR. PRESIDENT:—Your committee on counties to whom was referred C. B. No. 11 have had the same under consideration and beg leave to report the same back and recommend that it be indefinitely postponed.

E. BOTHUN, Ch'n.

J. M. STONE,

M. M. RICH.

Mr. Taylor, J. O. chairman of the committee on engrossed and enrolled bills, made the following report:

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have to report that we have examined council bills No. 20 and 17 and find them correctly enrolled.

J. O. TAYLOR, Ch'n.

Mr. Taylor J. O., chairman of the committee on engrossed and enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have to report that we have examined C. B. No.

21, and find it correctly engrossed.

J. O. TAYLOR, Ch'n.

C. B. No. 35 was then taken up, and

Read a first and second time, and

Referred to committee on agriculture.

C. B. No. 36 was then taken up, and

Read first and second time, and

Referred to committee on expenditures.

C. B. No. 37 was then taken up, and

Read first and second time, and

Referred to committee on counties.

H. F. No. 26, reported back by the committee on elections recommending its reference to committee of the whole, was then taken up, considered, and

The report of the committee adopted.

On motion of Mr. Bothun;

The bill was made the special order in committee of the whole at half-past 11 o'clock, A. M., to-morrow.

H. F. No. 15, reported back by committee on counties with amendments, was then taken up, considered, and

The report of the committee adopted.

Mr. Bothun moved to amend the bill by striking out "75" wherever it occurs in said bill, and insert "20" in lieu thereof.

Mr. Kingsbury moved to amend the amendment by striking out "20" and inserting "5" in lieu thereof.

The question being taken on the amendment to the amendment,

It was adopted.

The question then being on the adoption of the amendment as amended,

It was adopted.

Mr. Taylor, J. O., chairman of the committee on engrossed and enrolled bills, made the following report:

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have to report that we have examined H. F. Nos. 6 and 23 and find them correctly enrolled.

J. O. TAYLOR, Chairman.

H. F. No. 15 was then read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 11, nays none, as follows :

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers, Rich, Stone, Taylor F., Taylor J. O., Thompson and Mr. President.

So the bill passed, and

On motion of Mr. Bothun,

Its title was amended by striking out the first three words, and agreed to.

C. B. No. 17 was then taken up and

Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 11, nays none, as follows :

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers, Rich, Stone, Taylor, F., Taylor, J. O., Thompson and Mr. President.

So the bill passed and its

Title was agreed to.

C. B. No. 21 was then taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 11, nays none, as follows:

Those who voted in the affirmative were,

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers, Rich, Stone, Taylor, F., Taylor J. O., Thompson and Mr. President.

So the bill passed, and its

Title was agreed to.

C. B. No. 11, reported back by the committee on counties, recommending its indefinite postponement, was then taken up, considered, and

The report of the committee adopted.

Mr. Kingsbury moved that a select committee of three be appointed by the President to examine and revise the present

election law in accordance with the suggestions incorporated in the report of the committee on elections this day submitted to the Council.

Which motion prevailed, and

The president appointed Messrs. Rich, Taylor, F. and Bradford such committee.

C. B. No. 23, returned from the House with amendments, was then taken up, considered, and

On motion of Mr. Kingsbury,

The amendments were concurred in.

On motion of Mr. Kingsbury,

The Council adjourned to meet to-morrow morning at 11 o'clock.

ENOS STUTSMAN, *President.*

J. R. HANSON, *Secretary.*

THIRTY-FIRST DAY.

COUNCIL CHAMBER, }
Wednesday, Jan. 6, 1864. }

Council met pursuant to adjournment, at 11 o'clock, A. M., and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names, to wit:

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers, Rich, Stone, Taylor, F., Taylor J. O., Thompson, and Mr. President.

The journal of the 5th inst., was then read and approved.

Mr. Bothun gave notice that he would, on to-morrow or some subsequent day of the session, introduce a bill removing the seat of government from Yankton, and locate the same.

Mr. Taylor J. O., gave notice that he would, on to-morrow or some future day of the session, introduce a bill concerning fences and fence viewers.

Also, a bill placing the Territorial Library under the charge of the Librarian of the Dakota Historical Society.

Mr. Mathers gave notice that he would on to-morrow or some subsequent day of the session, introduce a bill to regulate the keeping and management of slaughter houses in this Territory.

Mr. Rich, chairman of the committee on education submitted the following report :

MR. PRESIDENT:—Your committee on education, to whom was referred that portion of the Governor's message on the subject of education, have had the matter under consideration. We have as yet, not been able to agree upon a bill providing for the support of common schools, but expect to report a plan within a few days. We have, however, agreed upon, and herewith report for the consideration of the Council, a bill entitled "A memorial to Congress asking an appropriation of lands for the University of Dakota." We deem the subject of the memorial of vital importance to the people of this Territory, and as we consider the grants prayed for reasonable and necessary, we unite in the recommendation that the bill do pass.

M. M. RICH, Ch'n.

Mr. Bothun, chairman of the committee on incorporations, submitted the following report :

MR. PRESIDENT:—Your committee on incorporations, to whom was referred that portion of the Governor's message, relating to the Pacific Railroad, have had the subject under consideration, and fully realizing the vast importance of the enterprise to the people of this Territory and to the Northwest generally, we have agreed upon the following bill : "A memorial to Congress respecting the Pacific Railroad," which we herewith report for the consideration and action of the Council, and your committee unite in the recommendation that the same do pass.

L. BOTHUN, Ch'n.

Mr. Bradford, chairman of the committee on public buildings, submitted the following report :

MR. PRESIDENT:—Your committee on public buildings, have had under consideration the present and increasing need of a Territorial prison, for the secure confinement of such persons as are or may be convicted of crime. And as such a tenement is indispensable in all civilized communities, and as Congress has uniformly made appropriations for that purpose to the organized Territories, your committee have agreed upon a bill of the following title: "Memorial and joint resolution, praying for an appropriation to build a Territorial prison," which we herewith report for the consideration of the Council, and unite in the recommendation that the same do pass.

D. P. BRADFORD, Ch'n.

Mr. Mathers, chairman of the committee on expenditures, submitted the following report:

MR. PRESIDENT:—Your committee on expenditures, to whom was referred that portion of the Governor's message relating to the Auditor's report and military expenses of the Territory, have had the same under consideration. After mature reflection, we have come to the conclusion that the expense was necessary and unavoidable for the protection of the lives and property of our people during the Indian troubles of 1862. Your committee has therefore agreed upon, and herewith report a bill of the following title: "A memorial to Congress asking for an appropriation to defray the military expenses incurred in this Territory in 1862;" and we unite in the recommendation that the same do pass.

JOHN MATHERS, Chairman.

Mr. Taylor, J. O., chairman of the committee on federal relations, submitted the following report:

MR. PRESIDENT:—Your committee on federal relations have had under consideration the subject of public property of the Territory, and we find that the buildings now occupied by the Legislative Assembly and the several Federal Officers of the Territory, are leased of private individuals, and are temporary wooden structures, in all respects unsuitable and unfit for the uses to which they are applied. That the Legislative, Executive, and Judicial records, files, libraries, furniture, and other valuables of the Territory, should have a secure place or places for safe keeping is obvious to every one, and it has been the

uniform custom of Congress to make appropriations for that purpose to the organized Territories. We have therefore agreed upon, and herewith report the following bill, entitled: "Memorial and joint resolution, praying for an appropriation to erect a Capital building for Dakota Territory," and recommend that the same do pass.

J. O. TAYLOR, Chairman.

Mr. Taylor J. O., chairman of the committee on engrossed and enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have to report that on the 5th day of January, 1864, at three o'clock, P. M., we handed to his Excellency, the Governor, for his approval, the following bills:

C. B. No. 19, An act providing for the appointment of guardians and prescribing their duties.

C. B. No. 20, An act to amend section 18, chapter 6, of the criminal code. And

C. B. No. 25, An act authorizing Felix LeBlanc, and Gonzague Bourrét to build and keep a toll bridge.

J. O. TAYLOR, Chairman.

MR. PRESIDENT:—Your committee on engrossed and enrolled bills, have to report that we have examined C. B. No. 23, An act changing the boundary lines of Charles Mix county, and establishing the boundary lines of Buffalo county, and for other purposes, and find the same correctly enrolled.

J. O. TAYLOR, Ch'n.

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have to report that on the 6th day of January, A. D. 1864, we handed to his Excellency, Governor Edmunds, for his approval, C. B. No. 23.

J. O. TAYLOR, Ch'n.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 6, 1865. }

MR. PRESIDENT:—I have the honor to inform your honorable body, that the House has passed and concurred in the following Council bills, to wit:

C. B. No. 3, An act concerning licenses, with attached amendments, and

C. B. No. 24, An act concerning apprentices, with attached amendments.

Which bills are herewith returned.

The House has also passed the following House Files viz :

H. F. No. 32, An act exempting sheep, cotton, hemp and flax from taxation and execution.

H. F. No. 33, An act for the relief of insolvent debtors.

H. F. No. 34, A memorial for a line of military posts between Forts Ridgley and Randall.

Which House Files I herewith transmit to your honorable body, and respectfully request your concurrence therein.

I have also to inform you that the House has concurred in the Council amendments to House Files Nos. 24, 25, 29, and 31.

MAHLON GORE,

Chief Clerk.

C. B. No. 38, a memorial to Congress, asking an appropriation of lands for the University of Dakota, was then taken up, and

Read a first and second time, and

Referred to the committee on education.

C. B. No. 39, A memorial to Congress respecting the Pacific Railroad, was then taken up and

Read first and second time, and

Referred to the committee on incorporations.

C. B. No. 40, memorial and joint resolution, praying for an appropriation to build a territorial prison, was then taken up, and

Read a first and second time and

Referred to the committee on public buildings.

C. B. No. 41, A memorial to Congress asking for an appropriation to defray the military expenses incurred in this Territory in 1862, was then taken up, and

Read a first and second time, and

Referred to the committee on expenditures.

C. B. No. 42, memorial and joint resolution, praying for an appropriation to erect a capitol building for Dakota Territory, was then taken up, and

Read a first and second time and

Referred to the committee on federal relations.

H. F. No. 32, An act exempting sheep, cotton, hemp and flax from taxation and execution, was then taken up, and

Read a first and second time, and

Referred to the committee on agriculture.

H. F. No. 33, An act for the relief of insolvent debtors, was then taken up and

Read a first and second time, and

Referred to the committee on finance.

H. F. No. 34, A memorial for a line of military posts between Forts Ridgely and Randall, was then taken up and

Read a first and second time, and

Referred to the committee on military affairs.

C. B. No. 3, returned from the House with amendments, was then taken up, considered, and,

On motion of Mr. Stone

Made the special order of to-morrow, at half-past eleven o'clock A. M.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, }
January 6, 1864.

MR. PRESIDENT:—I have the honor to transmit to your honorable body for concurrence therein, H. F. No. 43, entitled A memorial praying Congress for the establishment of an Indian agency on the Missouri river, opposite Devil's Lake, in Dakota Territory.

Which bill has passed the House.

MAHLON GORE,

Chief Clerk.

C. B. No. 24, returned from the House with amendments was then taken up and,

On motion of Mr. Taylor J. O.,

The amendments were concurred in.

H. F. No. 43, A memorial praying Congress for the establishment of an Indian agency on the Missouri river, opposite Devil's Lake, in Dakota territory, was then taken up, and,

Read a first and second time, and

Referred to the committee on territorial affairs.
 At half-past eleven o'clock the Council resolved itself into committee of the whole, to take into consideration H. F. No. 26.

Mr. Kingsbury in the chair.

After some time spent therein, the committee rose, and through their chairman made the following report:

MR. PRESIDENT:—The committee of the whole, to whom was referred H. F. No. 26, An act regulating proceedings against garnishees, instruct me to report progress, and ask leave to sit again.

G. W. KINGSBURY, Ch'n.

On motion of Mr. Kingsbury,
 The Council adjourned to meet to-morrow morning at 11 o'clock.

ENOS STUTSMAN, *President.*

J. R. HANSON, *Secretary.*

THIRTY-SECOND DAY.

COUNCIL CHAMBER,
 Thursday, Jan. 7, 1864.

Council met pursuant to adjournment at 11 o'clock A. M., and was called to order by the

President in the chair.

Roll called.

The following members answered to their names, to wit:

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor, F., Taylor, J. O., Thompson, and Mr. President.

The journal of the 5th inst., were then read and approved.

Mr. Gregory gave notice that he would on to-morrow or

some subsequent day of the session introduce a bill for a ferry charter across the Missouri river at the mouth of the Yellow Stone river.

Mr. Mathers gave notice that he would on to-morrow or some subsequent day of the session introduce a bill requiring compensation for causing death by wrongful act, neglect, or default.

Mr. Taylor, J. O., introduced C. B. No. 43, An act in relation to the Territorial library.

Mr. Bradford introduced C. B. No. 44, An act in relation to depositions.

Mr. Bothun introduced C. B. No. 45, An act to locate the seat of government of the Territory of Dakota.

Mr. Mathers introduced C. B. No. 46, An act to regulate the keeping of slaughter houses in the Territory.

Mr. Stone introduced the following resolution:

Resolved, That Hon. J. Shaw Gregory be excused for non-attendance, on account of severe illness;

Which resolution was adopted.

Mr. Gregory chairman of the committee on military affairs, submitted the following report:

MR. PRESIDENT:—Your committee on military affairs to whom was referred H. F. No. 34, have had the same under consideration, and beg leave to report the same back and recommend that it be indefinitely postponed.

J. SHAW GREGORY,

J. M. STONE,

L. BOTHUN.

Mr. Taylor F., chairman of the committee on highways bridges and ferries, submitted the following report:

MR. PRESIDENT:—Your committee on highways, bridges and ferries to whom was referred C. B. No. 34, An act locating a Territorial road from the Big Sioux river to Yankton, have had the same under consideration, and beg leave to report the same back and recommend its passage.

FRANKLIN TAYLOR, Ch'n.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
YANKTON, Jan. 7, 1864. }

MR. PRESIDENT:—I have the honor to inform you that the House has concurred in, and passed C. B. No. 32, An act concerning lunatics.

C. B. No. 27, An act granting to Louis Anderson and Mons. Nelson, a ferry charter across the Missouri river, has been indefinitely postponed by the House.

Which bills I herewith return to your honorable body.

I have also to inform you that the House has concurred in the Council amendment to H. F. No. 15.

MAHLON GORE,

Chief Clerk.

Mr. Taylor J. O. chairman of the committee on federal relations submitted the following report :

MR. PRESIDENT:—Your committee on federal relations to whom was referred, C. B. No. 33, entitled an act to provide for the recording of the stamps of the U. S. internal revenue, and for other purposes, have had the same under consideration, and beg leave to report the same back and recommend its passage.

J. O. TAYLOR, Ch'n.

Mr. Taylor, J. O., chairman of the committee on engrossed and enrolled bills make the following report :

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have to report that we have examined Council Bills Number's, twenty-nine and 24, and find them correctly engrossed.

J. O. TAYLOR, Ch'n.

Mr. J. O. Taylor from the special committee appointed to act in conjunction with a similar committee on the part of the House, to examine the Territorial library, made the following report :

MR. PRESIDENT:—The joint committee appointed to examine into the condition of the Territorial library, have to report that we have examined the same, and find it in as good condition as could be expected under existing circumstances:

Your committee would suggest that there should be put on

the back of each book a label with the words, Dakota Library printed thereon.

J. O. TAYLOR,

For the Council.

L. H. LITCHFIELD,

For the House.

The following communication was received from the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE,

YANKTON, Jan. 6; 1864.

To the honorable Council:

GENTLEMEN:—I have the honor to return herewith, to your body, the following Council bills, which I have this day read, approved and signed:

C. B. No. 19, An act providing for the appointment of guardians and prescribing their duties.

C. B. No. 20, An act to amend Sec. 18 of chapter 6, of the criminal code.

C. B. No. 23, An act changing the boundary lines of Charles Mix county, and establishing the boundary lines of Buffalo county, and for other purposes.

C. B. No. 25, An act authorizing Felix Le Blanc and Gonzaque Bouret, to build and keep a toll bridge.

Very respectfully,

Your obedient servant,

NEWTON EDMUNDS,

Governor.

H. F. No. 34, reported back by the committee on military affairs, recommending its indefinite postponement, was then taken up, considered, and,

The report of the committee adopted.

C. B. No. 34 was then taken up and

Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 11, noes none, as follows:

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Compton, Gregory, Mathers, Rich, Stone, Taylor F., Taylor J. O., Thompson and Mr. President.

So the bill passed and its Title was agreed to.

C. B. No. 33 was then taken up and Read a third time and put upon its passage. The yeas and nays being ordered the vote stood Yeas 12, nays none, as follows:

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor F., Taylor J. O., Thompson and Mr. President.

So the bill passed and its Title was agreed to.

C. B. No. 43; was then taken up and Read a first and second time, and Referred to the committee on territorial affairs.

C. B. No. 44 was then taken up, and Read a first and second time, and Referred to the committee on judiciary.

C. B. No. 45 was then taken up, and Read a first and second time, and On motion of Mr. Stone, Referred to a select committee of three.

The President appointed Messrs. Stone, Bradford and Bothun such committee.

C. B. No. 46 was then taken up, Read a first and second time, and Referred to the committee on agriculture.

At half-past 11 o'clock the Council resolved itself into committee of the whole to take into consideration C. B. No. 3 and H. F. No. 26.

Mr. Kingsbury in the chair.

After some time spent therein the committee arose and through their chairman, made the following report:

MR. PRESIDENT:—The committee of the whole, to whom was referred C. B. No. 3, entitled An act concerning licenses, with House amendments to the same, have had the same under consideration, and instruct me to report the bill back with the

recommendation that the Council do concur in the amendments of the House.

The committee have also considered House File No. 26, An act regulating proceedings against garnishees, and in accordance with instructions, I report the same back without recommendation.

G. W. KINGSBURY, Ch'n.

The report of the committee of the whole on C. B. No. 3, was then adopted.

Mr. Taylor J. O., chairman of the committee on engrossed and enrolled bills made the following report:

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have to report that we have examined C. B. No. 32, and find it correctly enrolled.

J. O. TAYLOR, Ch'n.

Mr. Taylor, J. O., chairman of the committee on engrossed and enrolled bills made the following report:

MR. PRESIDENT:—Your committee on engrossed and enrolled bills did, on the 7th day of January, at 12 o'clock M., hand to his Excellency, Governor Edmunds, for his approval, C. B. Nos. 17, 24, and 29.

J. O. TAYLOR, Ch'n.

Mr. Kingsbury moved that H. F. No. 26 be laid on the table.

Which motion prevailed.

On motion of Mr. Kingsbury

The Council adjourned to meet to-morrow morning at 11 o'clock.

ENOS STUTSMAN, *President*

J. R. HANSON, *Secretary*.

THIRTY-THIRD DAY.

COUNCIL CHAMBER, }
 Friday, Jan. 8, 1864. }

Council met pursuant to adjournment, at 11 o'clock A. M., and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names, to wit :

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor, F., Taylor, J. O., Thompson, and Mr. President.

On motion of Mr. Gregory

The reading of the journal of the preceding day was dispensed with.

Mr. Stone, chairman of the committee on agriculture, submitted the following report :

MR. PRESIDENT :—Your committee on agriculture to whom was referred all that portion of the Governor's message, relating to public lands, have had the subject under consideration, and being deeply impressed with the importance of the subject and the wisdom of his Excellency's suggestions, your committee have agreed upon a bill, entitled "Joint Resolutions relative to the public lands in Dakota," which is herewith reported with the recommendation that the same do pass.

J. M. STONE, Ch'n.

Mr. Stone then introduced C. B. No. 47, Joint Resolution relative to the public lands in Dakota.

Mr. Gregory introduced C. B. No. 48, An act granting to Anthony Rapalee, John Dillon, James F. Small and Charles McCarthy a charter for a ferry across the Missouri river, near the mouth of Ponca creek. Also

C. B. No. 49, An act granting to C. M. Davis, N. Wall and W. M. Barnum and associates, a charter for a ferry on the Missouri river, at or near the mouth of the Yellow Stone river.

Mr. Kingsbury introduced C. B. No. 50, An act establishing the courts and jurisdiction of judges of Probate.

Leave was granted Mr. Bradford to introduce C. B. No. 51, An act to amend chapter 38 of the laws of 1862 and 63.

Mr. Mathers introduced C. B. No. 52, An act requiring compensation for causing death by wrongful act, neglect or default.

The following message was received from the House:

REPRESENTATIVE HALL,
YANKTON, Jan. 8, 1864. }

MR. PRESIDENT:—I am instructed to inform your honorable body that the House has concurred in and passed C. B. No. 21, An act amending section 2 of chapter 35 of General Laws of 1862.

The House has also passed H. F. No. 36, An act granting to John Cain and Cornelius Cain a ferry charter on the Missouri River.

H. F. No. 40, An act to regulate the collection of fines.

All of which bills are herewith transmitted to your honorable body, and your concurrence in said House files is most respectfully requested.

MAHLON GORE,
Chief Clerk.

Mr. Bothun introduced the following resolution:

Resolved, That Hon Jacob Deuel be invited to a seat within the bar of the Council.

The resolution was adopted.

Mr. Rich, chairman of the select committee appointed to draft an election law submitted the following report, which was adopted

MR. PRESIDENT:—Your select committee on election laws, have to report that owing to the pre-occupation of individual members of the committee, we have not been able to give the subject the necessary consideration to enable us to agree upon a bill. And at this late day of the session, and with the amount of business in the hands of the several standing committees of which we are members, it will be impossible for us to perform the special duty assigned to us. We would therefore recommend the adoption of the following resolution:

Resolved, That the President of the Council be requested to draft and introduce a bill providing for an election law.

M. M. RICH, Ch'n,

Mr. Bothun chairman of the committee on incorporations, submitted the following report :

MR. PRESIDENT:—Your committee on incorporations, to whom was referred C. B. No. 39, report the same back and recommend its passage.

L. BOTHUN, Ch'n.

Mr. Bradford chairman of the committee on public buildings submitted the following report :

MR. PRESIDENT:—Your committee on public buildings to whom was referred C. B. No. 40, beg leave to report the same back and recommend its passage.

D. P. BRADFORD. Ch'n.

Mr. Taylor F., chairman of the committee on highways, bridges and ferries, submitted the following report :

MR. PRESIDENT:—Your committee on highways, bridges and ferries to whom was referred H. F. No. 28, beg leave to report the same back with amendments attached and recommend its passage.

FRANKLIN TAYLOR, Chairman.

Mr. Thompson, chairman of the committee on territorial affairs, submitted the following report :

MR. PRESIDENT:—Your committee on territorial affairs, to whom was referred H. F. No. 43, relative to establishing an Indian Agency on the Missouri river opposite Devil's Lake, have had the same under consideration, and beg leave to report the same back without recommendation.

JOHN J. THOMPSON,
HUGH COMPTON,
M. M. RICH.

Mr. Mathers, chairman of the committee on expenditures, submitted the following report :

MR. PRESIDENT:—Your committee on expenditures, to whom was referred C. B. No. 36, have examined the same and beg leave to report it back and recommend its passage.

JOHN MATHERS, Chairman.

Mr. Taylor J. O. chairman of the committee on federal relations submitted the following report :

MR. PRESIDENT:—Your committee on federal relations to whom was referred C. B. No. 42, A memorial and joint resolutions, praying for an appropriation to erect a capitol building for Dakota Territory, have had the same under consideration, and report the same back and recommend its passage.

J. O. TAYLOR, Ch'n.

Mr. Rich chairman of the committee on education submitted the following report :

MR. PRESIDENT:—Your committee on education to whom was referred C. B. No. 38, have had the same under consideration and beg leave to report it back without amendment and recommend its passage.

M. M. RICH, Ch'n.

C. B. No. 47 was then taken up, and
Read a first and second time, and
Referred to the committee on agriculture.

C. B. No. 48 was then taken up and
Read a first and second time, and
Referred to the committee on highways, bridges and ferries.

C. B. No. 49 was then taken up and
Read a first and second time and
Referred to the committee on highways, bridges and ferries.

C. B. No. 50 was then taken up and
Read first and second time, and
Referred to the committee on territorial affairs.

C. B. No. 51 was then taken up and
Read a first and second time, and
Referred to the committee on education.

C. B. No. 52 was then taken up and
Read a first and second time and
Referred to the committee on military affairs.

Mr. Stone, chairman of the committee on agriculture, submitted the following report:

MR. PRESIDENT:—Your committee on agriculture to whom was referred C. B. No. 14, An act to regulate the height of fences, and for other purposes, have had the same under con-

sideration and beg leave to report the same back, with the recommendation that it be referred to a select committee of three.

J. M. STONE, Ch'n.

Mr. Mathers, chairman of the committee on expenditures, submitted the following report :

MR. PRESIDENT :—Your committee on expenditures, to whom was referred C. B. No. 41, have examined the same, and report it back without recommendation.

JOHN MATHERS.

HUGH COMPTON.

C. B. No. 14, reported back by the committee on agriculture recommending its reference to a select committee, was then taken up, considered, and

The report of the committee adopted.

The President appointed Messrs. Taylor J. O., Bothun and Bradford such committee.

Mr. Taylor J. O., chairman of the committee on Engrossed and Enrolled bills made the following report :

MR. PRESIDENT—Your committee on engrossed and enrolled bills have to report that they have examined H. Fs. Nos. 24, 25, 27, and 31, and find them correctly enrolled.

J. O. TAYLOR, Ch'n.

H. F. no. 43 was then taken up and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 1, nays 11 as follows :

Those who voted in the negative were

Messrs. Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor F., Taylor, J. O. Thompson and Mr. President.

Mr. Bothun voted in the affirmative.

So the bill did not pass.

H. F. No. 28, reported back by the committee on highways, bridges and ferries, with amendments, was then taken up, and The report of the committee adopted.

The bill was then read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 12, nays none, as follows :

Those who voted in the affirmative were,

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor, F., Taylor, J. O., Thompson and Mr. President.

So the bill passed and its

Title agreed to.

Mr. Taylor J. O., chairman of the committee on engrossed and enrolled bills, submitted the following report :

MR. PRESIDENT :—Your committee on engrossed and enrolled bills have to report that on the 8th day of January, A. D. 1864, at half-past eleven o'clock A. M., we handed to his Excellency, Gov. Edmunds, for his approval, C. B. No. 32.

J. O. TAYLOR, Ch'n.

C. B. No. 38, was then taken up and read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 12, nays none, as follows.

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor F., Taylor, J. O., Thompson and Mr. President.

So the bill passed and its

Title agreed to.

C. B. No. 39 was then taken up and read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 12, nays none, as follows :

Those who voted in the affirmative were,

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor, F., Taylor, J. O., Thompson, and Mr. President.

So the bill passed and its

Title agreed to.

C. B. No. 40 was then taken up, read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas, 12, nays none, as follows :

Those who voted in the affirmative were,
Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury,
Mathers, Rich, Stone, Taylor, F., Taylor J. O., Thompson
and Mr. President.

So the bill passed and its
Title agreed to.

C. B. No. 41 was then taken up and read a third time, and
put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 5, noes 7, as follows :

Those who voted in the affirmative were

Messrs. Bradford, Gregory, Kingsbury, Mathers, and
Rich.

Those who voted in the negative were

Messrs. Bothun, Compton, Stone, Taylor, F., Taylor J. O.,
Thompson and Mr. President.

So the bill did not pass.

Mr. Gregory, in the chair.

Mr. Stutsman moved the vote on the passage of C. B. No.
24 be reconsidered.

Which motion prevailed.

Mr. President resumed the chair.

Mr. Kingsbury moved that C. B. No. 41 be made the spe-
cial order on Monday next, at half-past eleven o'clock A. M.

Which motion prevailed.

C. B. No. 42 was then taken up and read a third time and
put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 9, noes 3, as follows ;

Those who voted in the affirmative were.

Messrs. Bradford, Gregory, Kingsbury, Mathers, Rich,
Stone, Taylor, J. O., Thompson, and Mr. President.

Those who voted in the negative were

Messrs. Bothun, Compton, and Taylor, F.,

So the bill passed and its

Title agreed to.

C. B. No. 36 was then taken up,

Mr. Mathers moved the bill be referred to a select committee
of three.

Which motion prevailed and

The President appointed Messrs. Mathers, Bothun and Bradford such committee.

H. F. No. 36, An act granting to John Cain and Cornelius Cain a ferry charter on the Missouri river, was then taken up,
Read a first and second time and

Referred to the committee on highways, bridges and ferries.

H. F. No. 40, An act to regulate the collection of fines, was then taken up and

Read a first and second time, and

Referred to the committee on finance.

On motion of Mr. Taylor J. O.

The Council adjourned to meet to-morrow morning at 11 o'clock.

ENOS STUTSMAN, *President.*

J. R. HANSON, *Secretary.*

THIRTY-FOURTH DAY.

COUNCIL CHAMBER, }
Saturday, Jan. 9, 1864. }

Council met pursuant to adjournment, at 11 o'clock, A. M., and was called to order by the

President in the Chair.

Roll called.

The following members answered to their names, to wit:

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor, F., Taylor, J. O., Thompson, and Mr. President.

The journal of the preceding day was then read and approved.

The following message was received from the House.

HOUSE OF REPRESENTATIVES,

January 9, 1864.

MR. PRESIDENT:—I have the honor of informing you that the House has concurred in and passed C. B. No. 7, An act relating to divorce, with attached amendment, and

C. B. No. 26, Joint resolution on the state of the Union, which bills I herewith return to your honorable body.

MAHLON GORE,

Chief Clerk.

Mr. Mathers gave notice that he would, on Monday next, or some subsequent day of the session, introduce a bill to amend chapter 86 of the territorial laws of 1862.

Mr. Taylor, J. O. introduced C. B. No. 53, An act concerning fences, fence viewers, pounds, and impounding cattle.

Mr. Stone introduced C. B. No. 54, An act providing for the disposition of books and documents therein mentioned.

Mr. Taylor F. introduced C. B. No. 55, An act changing the time of holding the United States district court in the first judicial district of the Territory of Dakota.

Mr. Thompson introduced C. B. No. 56, An act legalizing the acts of J. M. Stone and J. B. Greenway as road commissioners of Yankton county.

Mr. Stutsman introduced C. B. No. 57, An act to regulate elections, to prescribe the qualification of voters, to prevent illegal voting, and to prescribe the canvass and return of the same.

Mr. Gregory introduced the following resolution:

Resolved, That the Rev. M. Hoyt be excused for non-attendance on account of sickness.

The resolution was adopted.

Mr. Kingsbury, chairman of the committee on judiciary, submitted the following report:

MR. PRESIDENT.—Your committee on judiciary to whom was referred C. B. No. 44, An act in relation to depositions, have given the same due consideration, and report the bill back with the recommendation that it be made the special order, in committee of the whole, on Monday, the 11th inst., at 11 o'clock and 45 minutes.

Your committee on judiciary have likewise considered C. B. No. 46, An act to regulate the keeping and management of slaughter houses in this territory, and are unable to arrive at any harmonious conclusion, and report the same back with the recommendation that the bill be referred to the committee on agriculture.

G. W. KINGSBURY, Ch'n.

Mr. Rich, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:—Your committee on education, to whom was referred C. B. No. 51, An act to amend chapter 38 of the laws of 1862-3, beg leave to report the same back without amendment and recommend its passage.

M. M. RICH, Ch'n.

D. P. BRADFORD.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
January 9, 1864.

MR. PRESIDENT:—I have the honor to transmit herewith to your honorable body for your concurrence, therein, H. F. No. 51, entitled A joint resolution relating to the military warrants issued by R. M. Hagaman, which bill has passed the honorable House.

MAHLON GORE,

Chief Clerk.

Mr. Compton, chairman of the committee on finance, submitted the following report:

MR. PRESIDENT:—Your committee on finance to whom was referred H. F. No. 33, have had the same under consideration and beg leave to report the same back and recommend that it be indefinitely postponed.

HUGH COMPTON, Ch'n.

Mr. Taylor F., chairman of the committee on highways bridges and ferries, submitted the following report:

MR. PRESIDENT:—Your committee on highways, bridges and ferries to whom was referred H. F. No. 36, An act granting to John Cain and Cornelius Cain a ferry charter on the Missouri river, have had the same under consideration, and report the same back and recommend its passage.

FRANKLIN TAYLOR, Ch'n.

Mr. Thompson, chairman of the committee on territorial affairs, submitted the following report:

MR. PRESIDENT:—Your committee on territorial affairs to whom was referred C. B. No. 43, An act relative to the Territorial Library, have had the same under consideration, and report it back and recommend its passage.

J. J. THOMPSON, Ch'n.

Mr. Stone, chairman of the committee on agriculture, submitted the following report:

MR. PRESIDENT:—Your committee on agriculture to whom was referred C. B. No. 47, Joint resolution relative to the public lands in Dakota, have had the same under consideration and beg leave to report it back and recommend that it do pass.

J. M. STONE, Ch'n.

Mr. Taylor, J. O. chairman of the committee on engrossed and enrolled bills, made the following report:

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have to report that we have examined C. B. Nos. 3 and 21.

Also, H. F. No. 15, and find them correctly enrolled.

J. O. TAYLOR, Ch'n.

The following message was received from His Excellency, the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE, }
YANKTON, Jan. 7, 1864.

To the honorable Council:

GENTLEMEN:—I have the honor herewith of returning with my approval, C. B. No. 17, An act granting to Charles E. Rowley and his heirs a charter for a ferry across the Missouri river.

Also, C. B. No. 24. An act concerning apprentices.

Also, C. B. No. 29, An act for the establishment of Union county, locate the county seat of the same, and legalize the acts of certain county officers of the county of Cole.

Very respectfully,

Your obedient servant,

NEWTON EDMUNDS,

Governor.

Mr. Mathers, chairman of the special committee to whom was referred C. B. No. 36, submitted the following report:

MR. PRESIDENT:—Your special committee to whom was referred C. B. No. 36, have carefully examined the same and beg leave to report the same back and recommend its passage.

JOHN MATHERS, Ch'n
L. BOTHUN,
D. P. BRADFORD.

Mr. Bothun chairman of the committee on counties submitted the following report:

MR. PRESIDENT:—Your committee on counties to whom was referred C. B. No. 37, have had the same under consideration, and beg leave to report it back, and recommend that it be made the special order, in committee of the whole, at twelve o'clock, on Monday next.

L. BOTHUN, Ch'n.
J. M. STONE,
M. M. RICH.

C. B. No. 53 was then taken up and
Read a first and second time, and
Referred to committee on agriculture.

C. B. No. 54, was then taken up and
Read a first and second time, and
Referred to the committee on territorial affairs.

C. B. No. 55 was then taken up, and
Read a first and second time, and
Referred to the committee on judiciary.

C. B. No. 56 was then taken up, and
Read first and second time, and
Referred to committee on counties.

C. B. No. 57 was then taken up, and
Read first and second time, and
On motion of Mr. Kingsbury

The Council resolved itself into a committee of the whole to consider the bill.

Mr. Kingsbury in the chair.

After a lengthy deliberation, the committee rose, and through their chairman submitted the following report:

MR. PRESIDENT:—The committee of the whole, have had under consideration, C. B. No. 57, entitled an act to regulate elections, to prescribe the qualifications of electors, to prevent illegal voting, and to prescribe the canvass and return of the same, and instruct me to report the same back with the appended amendment, with the recommendation that the rules be suspended and the bill pass to its third reading.

Amend Sec. 29, so as to read as follows:

The judges of election shall then inclose and seal one of the poll books, and under cover direct the same to the register of deeds of the county in which such election was held, and the packet thus sealed shall be conveyed by one of the judges or clerks of the election, to be determined by lot, if they cannot otherwise agree, or by some other person to be agreed upon by the judges, and delivered to said register of deeds, at his office, within three days after the closing of the polls, and the other poll book, together with the ballots and ballot box, deposited with the chairman of the board of county commissioners, and the said poll book and ballots shall be subject to inspection at any time thereafter, in case of a contest, or upon the order of a judge of probate or district court.

G. W. KINGSBURY, Ch'n

The report was adopted.

On motion of Taylor J. O.,

The Council took a recess until 2 o'clock this afternoon.

The time having expired, the Council was

Called to order by the President,

Leave was granted Mr. Taylor, J. O., to introduce C. B. No. 58, An act regulating the width of highways, which bill was then taken up, and

Read a first and second time, and

On motion of Mr. Taylor, J. O.,

The rules were suspended, and

The bill was read a third time, and put upon its passage;

The yeas and nays being ordered the vote stood

Yeas 8, nays none, as follows :

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Mathers, Rich, Stone, Taylor
J. O., Thompson and Mr. President.

So the bill passed, and its

Title was agreed to.

H. F. No. 33, reported back by the committee on finance,
recommending its indefinite postponement, was then taken up,
considered, and

The report of the committee adopted.

C. B. No. 7, returned from the House with amendments
was then taken up for consideration.

On motion of Mr. Bothun,

The bill was made the special order in committee of the whole
on Tuesday next at half past 11 o'clock.

H. F. No. 36 was then read a third time and put upon its
passage.

The yeas and nays being ordered the vote stood

Yeas 8, nays none, as follows :

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Mathers, Rich, Stone, Taylor, J.
O., Thompson and Mr. President.

So the bill passed and its

Title was agreed to.

C. B. No. 36 was then taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 8, nays none, as follows :

Those who voted in the affirmative were,

Messrs. Bothun, Bradford, Mathers, Rich, Stone, Taylor,
J. O., Thompson and Mr. President.

So the bill passed, and its

Title was agreed to.

C. B. No. 37, reported back by the committee on counties,
recommending its reference to committee of the whole, on Mon-
day next at 12 o'clock M., was then taken up and

The report of the committee adopted.

C. B. No. 43 was then taken up and
Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood
Yeas 8, nays none, as follows :

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Mathers, Rich, Stone, Taylor
J. O., Thompson and Mr. President.

So the bill passed and its

Title was agreed to.

C. B. No. 44, reported back by the committee on judiciary
recommending its reference to committee of the whole on Mon-
day next was then taken up, considered and

The report of the committee was not agreed to.¹

The bill was read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 9, noes none, as follows :

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Mathers, Rich, Stone, Taylor
F., Taylor J. O., Thompson and Mr. President.

So the bill passed and its

Title was agreed to.

C. B. No. 46, reported back by the committee on judiciary
recommending its reference to the committee on agriculture,
was then taken up.

Mr. Bothun moved that the report of the committee be laid
on the table.

Which motion prevailed.

Mr. Stone moved the bill be referred to the committee on pub-
lic printing.

Which motion did not prevail.

The bill was then read a third time and put upon its passage.

The yeas and nays being ordered the vote stood,

Yeas 9, nays 1, as follows :

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Compton, Mathers, Rich, Stone,
Taylor, F., Taylor, J. O., and Mr. President.

Mr. Thompson voted in the negative

So the bill passed and its

Title was agreed to.

C. B. No. 47 was then taken up and
Read a third time and put upon its passage.
The yeas and nays being ordered, the vote stood,
Yeas 10, nays none as follows:
Those who voted in the affirmative were,
Messrs. Bothun, Bradford, Compton, Mathers, Rich, Stone,
Taylor, F., Taylor, J. O., Thompson and Mr. President.
So the bill passed and its
Title was agreed to.

C. B. No. 51, was then taken up, and
On motion of Mr. Mathers the bill was recommitted to the
committee on education.

C. B. No. 57 was then taken up and
Read a third time and put upon its passage,
Yeas and nays being ordered the vote stood.
Yeas 11, nays none, as follows:
Those who voted in the affirmative were,
Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers,
Rich, Stone, Taylor, F., Taylor, J. O., Thompson and Mr.
President.

So the bill passed and its
Title was agreed to.
On motion of Mr. Bradford,
The Council adjourned to meet to-morrow morning at 11
o'clock.

ENOS STUTSMAN, *President.*

J. R. HANSON, *Secretary.*

THIRTY-SIXTH DAY.

COUNCIL CHAMBER, }
Monday, Jan. 11, 1864. }

Council met pursuant to adjournment, at 11 o'clock, A. M.,
and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names, to wit :

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor, F., Taylor J. O., and Mr. President.

On motion of Mr. Gregory,

The reading of the journal of the 9th instant was dispensed with.

Mr. Bradford introduced C. B. No. 59, A memorial to Congress asking an appropriation for the construction of bridges in the Territory of Dakota.

Mr. Mathers introduced C. B. No. 60, An act to amend sections 2 and 3 of chapter 86 of the Territorial Laws of 1862.

Mr. Stone introduced the following resolution :

WHEREAS, much discussion has arisen upon the result of the general election of 1862, for delegate in Congress from this Territory :

And whereas, it is only upon investigation that the truth can be ascertained ; therefore, be it

Resolved, That a select committee of three be appointed by the President, whose duty it shall be, together with a similar committee on the part of the House, to examine the returns of the election of 1862 for delegate in the 38th Congress of the United States, from the Territory of Dakota, upon which returns the territorial canvassers took action, and to report their conclusions to each branch of this Legislative Assembly.

J. M. STONE.

The resolution was adopted, and

The President appointed as such committee, Messrs. Stone, Bothun, and Rich.

Mr. Rich introduced the following resolution :

Resolved, That John J. Thompson be excused from attendance this day, on account of sickness.

The resolution was adopted.

The following message was received from the House :

HOUSE OF REPRESENTATIVES, }
January 11, 1864. }

MR. PRESIDENT:— I have the honor to inform your honorable body that the Council amendment to H. F. No. 28, An act granting to Siver Halverson and A. Iversona ferry charter on the Missouri river, has not been concurred in by the House.

The House has concurred in and passed, C. B. No. 34, An act locating a territorial road from the Big Sioux river to Yankton.

The House has also passed the following House Files viz :

H. F. No. 44, A memorial to Congress praying for an appropriation to complete the erection of the Winnebago and Santee Agencies, and

H. F. No. 47, An act to designate the title of register of deeds.

All of which bills I have the honor herewith to transmit, respectfully asking the concurrence of your honorable body in said House Files.

MAHLON GORE,
Chief Clerk.

Mr. Kingsbury chairman of the committee on judicary, submitted the following report :

MR. PRESIDENT:—Your committee on judiciary, to whom was referred C. B. No. 55, entitled An act changing the time of holding the United States District Court in the 1st judicial district of Dakota Territory, have had the same under consideration, and report the bill back, with the recommendation that it be referred to the committee of the whole, this P. M. at 3 1-2 o'clock..

G. W. KINGSBURY, Ch'n.

Mr. Rich, chairman of the committee on education, submitted the following report :

MR. PRESIDENT:—Your committee on education, to whom was referred that portion of the governor's message relating to common schools, have to report that we have had the subject under consideration, and after a careful examination of chapter 81 of the general laws of 1862, entitled An act for the regulation and support of common schools, approved May 13, 1862, we have come to the conclusion that the above entitled

act provides a thorough school system, within each organized county—a system that, if carried into practicable operation, would be an ornament, as well as a blessing to the Territory. We find that under the truly admirable provisions of said act, the operation of common schools may be just as general and expensive or as local and economical as the condition and wants of the people of each county may require. And while each school district is under and subject to the general supervision of the county superintendents of public instruction, it is nevertheless a miniature school system complete in itself, enjoying all the rights, powers and franchises of an independent corporation, and may provide for its own support.

We have duly considered his Excellency's suggestions in favor of an amendment to the present law, providing for the election or appointment of a territorial superintendent of public instruction, thus centering the educational system of the Territory in one common head. And had we the population and wealth at this time that in a few years will be ours, we should at once see the wisdom of his Excellency's suggestions, and the necessity of an amendment to the school law, providing for the election of a territorial superintendent, and requiring county superintendents to report to him. But owing to the fact that most of our settlements are isolated from each other, and, generally, too weak to support more than one school; and as the official business of many of our counties is managed without any regard to a uniform system—as is universally the case in all new territories—we are convinced that, for the present at least, our public schools must be conducted and supported by the several school districts, independent of a territorial supervision and of each other.

Therefore, while we are deeply impressed with the seeming plausibility of arguments in favor of a change, we are nevertheless fully convinced that the present wants of our people do not demand a law providing for a territorial superintendent, nor does the financial condition of the Territory warrant the addition expense thereby incurred.

All of which is respectfully submitted.

M. M. RICH. Ch'n.

Mr. Rich chairman of the committee on education submitted the following report :

MR. PRESIDENT:—Your committee on education to whom was re-committed C. B. No. 51, An act to amend chapter 38, of the general laws of 1862-3, have to report that we have carefully examined the same and have arrived at the conclusion that the increased representation therein provided for, is, at the present time, unnecessary, if not unjust. And your committee have unanimously agreed upon a substitute for said bill, entitled as above, which we herewith report, and most respectfully recommend that the same do pass.

M. M. RICH, Ch'n.

D. P. BRADFORD.

F. TAYLOR.

The committee on education then introduced C. B. No. 61, An act to amend chapter 38, of the general laws of 1862-63.

Mr. Gregory, chairman of the committee on military affairs, submitted the following report :

MR. PRESIDENT:—Your committee on military affairs, have had under consideration C. B. No. 52, and report the same back without amendment and recommend its passage.

J. SHAW GREGORY,

L. BOTHUN,

J. M. STONE,

Mr. Bothun chairman of the committee on incorporations, submitted the following report :

MR. PRESIDENT:—Your committee on incorporations, to whom was referred C. B. No. 31, An act to authorize and regulate the business of banking, have had the same under consideration, and report the same back and recommend that it be laid on the table for future reference.

L. BOTHUN, Ch'n.

Mr. Bothun chairman of the committee on counties submitted the following report :

MR. PRESIDENT:—Your committee on counties to whom was referred C. B. No. 56, have had the same under consideration, and beg leave to report the same back without amendment, and recommend its passage.

L. BOTHUN, Ch'n.

Mr. Stone, chairman of the committee on agriculture, submitted the following report.

MR. PRESIDENT:—Your committee on agriculture to whom H. F. No. 32, An act exempting sheep, cotton, hemp and flax from taxation and execution, was referred, have had the same under consideration, and beg leave to report the same back with a substitute accompanying, and recommend that the substitute do pass.

J. M. STONE, Ch'n.

JOHN MATHERS.

Mr. Taylor J. O., chairman of the committee on engrossed and enrolled bills made the following reports:

MR. PRESIDENT:—Your committee on engrossed and enrolled bills, have examined House files number 8, 12 and 13 and find them correctly enrolled.

J. O. TAYLOR, Ch'n.

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have to report that we have examined C. B. No. 26, Joint resolutions on the state of the Union, and find it correctly enrolled.

J. O. TAYLOR, Ch'n.

MR. PRESIDENT:—Your committee on engrossed and enrolled bills, have to report that on the 9th day of January, A. D., 1864, at 4 o'clock P. M., we handed to his Excellency, Governor Edmunds, for his approval, Council bills Nos. 3 and 21.

J. O. TAYLOR, Ch'n.

Mr. Stone, chairman of the committee on agriculture, submitted the following report:

MR. PRESIDENT:—Your committee on agriculture to whom was referred C. B. No. 35, have had the same under consideration and beg leave to report it back and recommend that it do pass.

J. M. STONE, Ch'n.

Mr. Bothun, chairman of the committee on incorporations, submitted the following report:

MR. PRESIDENT:—Your committee on incorporations, to whom was referred C. B. No. 16, entitled "An act for the incorporation of villages," have had the same under consideration, and beg leave to report the same back and recommend that it be laid on the table for future reference.

L. BOTHUN, Chairman,

M. M. RICH.

Mr. Kingsbury introduced the following resolution :

Resolved, That the Rev. Mr. Tingley be invited to a seat within the bar of the Council.

The resolution was adopted.

C. B. No. 31, reported back by the committee on incorporations, with the recommendation that it be laid on the table for future reference, was then taken up and

The report of the committee adopted.

C. B. No. 16, reported back by the committee on incorporations, with the recommendation that it be laid on the table for future reference, was then taken up and

The report of the committee adopted.

H. F. No. 32, with the report of the substitute reported back by the committee on agriculture, was then taken up, considered, and

On motion of Mr. Gregory

The substitute was adopted.

The bill was read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 11, noes none, as follows :

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor F., Taylor J. O., and Mr. President.

So the bill passed and its

Title was agreed to.

C. B. No. 56 was then taken up and

Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 11, nays none, as follows :

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor F., Taylor J. O., and Mr. President.

So the bill passed and its

Title was agreed to.

C. B. No. 55, reported back by the committee on judiciary recommending its reference to committee of the whole this

M., was then taken up, considered and

The report of the committee adopted.

C. B. No. 52 was then taken up and read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 11, noes none, as follows ;

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor F., Taylor, J. O., and Mr. President.

So the bill passed and its

Title agreed to.

C. B. No. 35 was then taken up and

Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood,

Yeas 11, nays none, as follows :

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor, F., Taylor, J., O., and Mr. President.

So the bill passed and its

Title was agreed to.

C. B. No. 61, substitute for C. B. No. 51, reported by committee on education, was then taken up, and

Read a third time and put upon its passage,

The yeas and nays being ordered the vote stood,

Yeas 11, nays none, as follows :

Those who voted in the affirmative were,

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Taylor, F., Taylor, J. O., Thompson and Mr. President.

So the bill passed and its

Title was agreed to.

C. B. No. 59 was then taken up, and

Read a first and second time, and

On motion of Mr. Kingsbury

The rules were suspended, and

The bill was ordered engrossed for a third reading this P. M.

C. B. No. 60 was then taken up and
Read a first and second time, and
Referred to the committee on finance.

H. F. No. 28, returned with the refusal of the House to con-
cur in Council amendments to the same, was then taken up,
considered, and

On motion of Mr. Taylor, J. O.
Laid on the table.

H. F. No. 44, A memorial to Congress praying for an ap-
propriation to complete the erection of the Winnebago and
Santee agencies, was then taken up, and
Read a first and second time, and
On motion of Mr. Kingsbury,
Referred to a select committee of three.

The president appointed as such committee Messrs. Kings-
bury, Gregory and Thompson.

H. F. No. 47, An act to designate the title of register of
deeds, was then taken up, and
Read a first and second time, and
On motion of Mr. Kingsbury,
The rules were suspended, and
The bill read a third time and put upon its passage.
The yeas and nays being ordered, the vote stood,
Yeas 11, nays none, as follows :
Those who voted in the affirmative were,
Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury,
Mathers, Rich, Stone, Taylor, F., Taylor, J. O., and Mr.
President.

So the bill passed and its
Title was agreed to.

C. B. No. 59, A joint resolution relating to the military
warrants issued by R. M. Hagaman, was then taken up, and
Read first and second time.

Mr. Kingsbury moved the bill be indefinitely postponed.

Mr. Bothun called for the yeas and nays on the motion, which
being ordered, the vote stood,
Yeas 7, noes 4, as follows :
Those who voted in the affirmative were

Messrs. Bradford, Gregory, Kingsbury, Mathers, Rich, Taylor J. O., and Mr. President.

Those who voted in the negative were

Messrs. Bothun, Compton, Stone, and Taylor, F.

So the motion prevailed.

C. B. No. 41 was then taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 6, nays 5, as follows:

Those who voted in the affirmative were,

Messrs. Gregory, Kingsbury, Mathers, Rich, Taylor, J. O. and Mr. President.

Those who voted in the negative were

Messrs. Bothun, Bradford, Compton, Stone, and Taylor F.

So the bill passed, and its

Title was agreed to.

C. B. No. 37, was then taken up, and

On motion of Mr. Kingsbury,

Laid on the table till this P. M.

The following communication was received from his Excellency, the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE, }
YANKTON, Jan. 11, 1863. }

To the Honorable Council:

GENTLEMEN:—Please find enclosed herewith C. B. No. 3, An act concerning licenses.

Also, C. B. No. 21, An act amending section 2 of chapter 35 of the general laws of 1862.

Also, C. B. No. 32, An act concerning lunatics, which I have this day examined, approved, and signed.

Very respectfully,

Your obedient servant,

NEWTON EDMUNDS,

Governor.

Mr. Bothun moved that Mr. Taylor J. O. be excused from attending on this Council during the balance of this session on account of sickness,

Which motion prevailed.

On motion of Mr. Gregory,

The Council took a recess until 3 o'clock this P. M.

At three o'clock, P. M., the Council was called to order by the President.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
YANKTON, Jan. 11, 1864. }

MR. PRESIDENT:—I have the honor of informing your honorable body that the House has concurred in and passed the following council bills, viz:

C. B. Nos. 38, 39, 33, 40, with attached amendment, and 42, with attached amendment, which bills I herewith return to your honorable body.

The House has also passed the following:

H. F. No. 22, An act granting to Louis Amondson and Mons Nelson the right to keep and maintain a ferry on the Missouri river.

H. F. No. 38, An act concerning vacancies and special elections.

H. F. No. 39, An act conferring the rights and privileges of the elective franchise upon citizens of this territory residing upon the Ponca Indian reservation, and Fort Randall military reservation.

H. F. No. 45, An act to locate and establish a territorial road from Hamilton's Station, opposite Fort Randall, to Fort Sully.

H. F. No. 48, An act to repeal chapter 39 of the laws of 1862.

H. F. No. 51, An act relating to horses, mules and cattle.

Which House Files I herewith transmit to your honorable body, most respectfully requesting your concurrence therein.

MAHLON GORE,

Chief Clerk.

C. B. No. 55 was then taken up.

Mr. Stone offered the following amendments, which were adopted:

Amend C. B. No. 55, by adding the following as section two:

Sec. 2. The counties of Yankton and Jayne shall constitute the second judicial district, and the United States district court, in and for the same, shall be held at Yankton on the second Tuesdays in April and November of each year, and all that portion of the ceded lands in said territory not embraced in any other district, is hereby attached to said judicial district for judicial purposes.

Amend, by changing the numbers of sections two and three, to "section 3," and "section 4."

Amend the title by inserting the word "second" after the word "first."

Mr. Taylor, J. O. chairman of committee on engrossed and enrolled bills and federal relations, was, at his own request, relieved from serving on said committees, and

The President announced Mr. Rich as chairman of the committee on engrossed and enrolled bills, and Mr. Mathers as chairman of the committee on federal relations.

Mr. Taylor, F. from the committee on engrossed and enrolled bills, made the following report:

MR. PRESIDENT:—Your committee on engrossed and enrolled bills beg leave to report C. B. No. 55 as correctly enrolled.

FRANKLIN TAYLOR.

Mr. Kingsbury from the committee on engrossed and enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have to report that we have examined C. B. No. 34, entitled An act locating a territorial road from the Big Sioux river to Yankton, and find the same correctly enrolled.

G. W. KINGSBURY,

Mr. Taylor F., chairman of the committee on highways, bridges and ferries, submitted the following report:

MR. PRESIDENT:—Your committee on highways, bridges and ferries to whom was referred C. B. Nos. 48 and 49, have examined the same and beg leave to report the said bills back and recommend their passage.

FRANKLIN TAYLOR, Chairman.

Mr. Compton, from the committee on territorial affairs, submitted the following report :

MR. PRESIDENT:—Your committee on territorial affairs to whom was referred C. B. No. 54, have had the same under consideration and beg leave to report the same back and recommend its passage.

HUGH COMPTON, Ch'n.

Mr. Compton, chairman of the committee on finance, submitted the following report :

MR. PRESIDENT:—Your committee on finance to whom was referred C. B. No. 40, have had the same under consideration and beg leave to report the same back and recommend its indefinite postponement.

HUGH COMPTON, Ch'n.

C. B. No. 55, was then taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 9, nays none as follows :

Those who voted in the affirmative were,

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers, Rich, Stone, Taylor, F. and Mr. President.

So the bill passed and its

Title was agreed to.

C. B. No. 48 was then taken up and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 9, nays none, as follows :

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers, Rich, Stone, Taylor, F. and Mr. President.

So the bill passed, and its

Title was agreed to.

C. B. No. 49 was then taken up and

Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 9, nays none, as follows :

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers, Rich, Stone, Taylor, F. and Mr. President.

So the bill passed and its.

Title was agreed to.

C. B. No. 54, was then taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 9, nays none, as follows:

Those who voted in the affirmative were,

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers,
Rich, Stone, Taylor F. and Mr. President.

So the bill passed and its

Title was agreed to.

C. B. No. 40, reported back by the committee on finance,
with the recommendation that it be indefinitely postponed, was
then taken up, considered, and

On motion of Mr. Bothun,

The report of the committee adopted.

H. F. No. 22, An act granting to Louis Amondson and Mons
Nelson the right to keep and maintain a ferry on the Mis-
souri river, was then taken up, and

Read a first and second time, and

Referred to the committee on highways, bridges and ferries.

H. F. No. 51, An act relating to horses, mules and cattle,
was then taken up, and

Read a first and second time, and

Referred to the committee on agriculture.

H. F. No. 48, An act to repeal chapter 39 of the laws of
1862, was then taken up and

Read first and second time, and

Referred to the committee on territorial affairs.

H. F. No. 45, An act to locate and establish a territorial
road from Hamilton's Station, opposite Fort Randall, to Fort
Sully, was then taken up and

Read a first and second time and

Referred to the committee on highways, bridges and ferries.

H. F. No. 39, An act conferring the rights and privileges
of the elective franchise upon citizens of this Territory resid-
ing upon the Ponca Indian reservation and Fort Randall mili-
tary reservation, was then taken up, and

Read first and second time, and

Referred to committee on counties.

H. F. No. 38, An act concerning vacancies and special elections, was then taken up, and

Read a first and second time, and

Referred to the committee on elections.

C. B. No. 40, returned from the House with amendments, was then taken up, considered, and

On motion of Mr. Kingsbury,

The amendments were concurred in.

C. B. No. 42, returned from the House with amendments, was then taken up, and

On motion of Mr. Kingsbury,

Further consideration of the bill was deferred till to-morrow, at half-past 11 o'clock.

On motion of Mr. Kingsbury

The Council adjourned to meet to-morrow, at 11 o'clock, A. M.

ENOS STUTSMAN, *President.*

J. R. HANSEN, *Secretary.*

THIRTY-SEVENTH DAY.

COUNCIL CHAMBER, }
Tuesday, Jan. 12, 1864. }

Council met pursuant to adjournment, at 11 o'clock A. M., and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names, to wit:

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers, Rich, Stone, Taylor, F., Thompson, and Mr. President.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
January 12, 1864.

MR. PRESIDENT:—I have the honor to inform you that C. B. No. 41, A memorial to Congress asking for an appropriation to defray the military expenses incurred in this territory in 1862, has been postponed by the House until January 20th, 1864.

C. B. No. 56, An act legalizing the acts of J. M. Stone and J. B. Greenway, as road commissioners of Yankton county, has been concurred in and passed by the House.

Which Council Bills are herewith returned to your honorable body.

The House has also passed the following House Files, viz:

H. F. No. 54, An act to incorporate Randall City, and

H. F. No. 55, An act locating a territorial road in Clay county.

Which bills I herewith transmit to your honorable body, requesting your concurrence therein.

MAHLON GORE,

Chief Clerk.

HOUSE OF REPRESENTATIVES,
January 12, 1864.

MR. PRESIDENT:—I have the honor of informing you that the House has concurred in the resolution of the Council, concerning the investigation of the election returns of 1862, and that Messrs Wherry, Lawrence and Bottolfson have been appointed a committee to act with the committee appointed by the Council to examine said returns, &c.

The Council resolution, "That during the balance of the present session of the Legislative Assembly, the Council will hold two sessions each day—the morning session to commence at 11 o'clock, and the afternoon session at 3 o'clock," and "That the House be requested to concur in the above resolution," has been indefinitely postponed by the House.

MAHLON GORE,

Chief Clerk.

Leave was granted Mr. Bradford to introduce C. B. No. 62, An act establishing the fees of officers.

Mr. Kingsbury, chairman of the committee on elections, submitted the following report :

MR. PRESIDENT :—Your committee on elections, to whom was referred H. F. No. 38, entitled An act concerning vacancies and special elections, have had the same under consideration, and report the bill back with the recommendation that it do pass.

G. W. KINGSBURY, Ch'n.

Mr. Taylor F., chairman of the committee on highways bridges and ferries, submitted the following report :

MR. PRESIDENT :—Your committee on highways, bridges and ferries to whom was referred H. F. No. 45, have had the same under consideration, and beg leave to report the same back and recommend its passage.

FRANKLIN TAYLOR, Ch'n.

Mr. Thompson, chairman of the committee on territorial affairs, made the following report :

PRESIDENT :—Your committee on territorial affairs, to whom H. F. No. 48 was referred, have had the same under consideration, and report the same back, and recommend that the bill do pass.

J. J. THOMPSON, Ch'n.

Mr. Rich, from the committee on engrossed and enrolled bills, submitted the following report :

MR. PRESIDENT :—Your committee on engrossed and enrolled bills have to report that we have examined C. B. No. 33, An act to provide for the recording of the stamps of the United States internal revenue, and for other purposes, and

C. B. No. 38, A memorial to Congress, asking an appropriation of lands for the University of Dakota, also

C. B. No. 39, A memorial to Congress respecting the Pacific Railroad, and also,

C. B. No. 40, Memorial and joint resolution praying for an appropriation to build a territorial prison, and find the same correctly enrolled.

M. M. RICH, Ch'n.

Mr. Kingsbury, from the committee on engrossed and enrolled bills, made the following report :

MR. PRESIDENT:—Your committee on engrossed and enrolled bills, respectfully beg leave to report that they presented to his Excellency Gov. Edmunds, at 9 o'clock, on the evening of the 11th inst., for his approval, C. B. No. 26, entitled Joint resolutions on the state of the Union.

Also, at the same hour, C. B. No. 34, entitled An act locating a Territorial road from the Big Sioux River to Yankton.

G. W. KINGSBURY,

The following message was received from His Excellency, the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE, }
YANKTON, Jan. 12, 1864. }

To the honorable Council:

GENTLEMEN:—I have the honor to transmit herewith C. B. No. 36, Joint resolution on the state of the Union; also,

C. B. No. 34, An act locating a Territorial road from the Big Sioux river to Yankton.

Which have been this day examined, approved and signed by me.

Very respectfully,

Your obedient servant,

NEWTON EDMUNDS,

Governor.

C. B. No. 42, which had been returned from the House with amendments, was then taken up for consideration.

Mr. Stone offered the following amendment to the House amendment:

Amend the amendment by striking out the words—Yankton in the county of Yankton, the place designated by law as—where they occur in that connection, and insert nothing in lieu thereof.

The amendment to the amendment was adopted.

The amendment as amended was then concurred in.

C. B. No. 62 was then taken up, and

Read a first and second time,

On motion of Mr. Kingsbury,

The rules were suspended and

The bill read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 10, nays none, as follows:

Those who voted in the affirmative were.

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers,
Rich, Stone, Taylor, F., Thompson and Mr. President.

So the bill passed and its

Title agreed to.

H. F. No. 38 was then taken up and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas, 10, nays none, as follows:

Those who voted in the affirmative were,

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers,
Rich, Stone, Taylor, F., Thompson and Mr. President.

So the bill passed and its

Title agreed to.

Mr. Kingsbury introduced the following resolution:

Resolved, That the Hon. Bly Wood, Geo. N. Propper, Esq.,
and I. N. Higbee, be invited to seats within the bar of this
Council.

The resolution was adopted.

H. F. No. 15 was then taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 10, nays none, as follows:

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers,
Rich, Stone, Taylor, F. Thompson and Mr. President.

So the bill passed and its

Title was agreed to.

H. F. No. 48, was then taken up, and

On motion of Mr. Kingsbury

Was laid on the table.

H. F. N 54 was then taken up, and

Read a first and second time, and

Referred to the committee on incorporations.

H. F. No. 55 was then taken up, and

Read a first and second time and

Referred to the committee on highways, bridges and ferries.

Mr. Kingsbury introduced the following resolution :-

Resolved, (The House concurring therein) that the Council and House of Representatives will hold two sessions each day for the remainder of the present session, commencing at 11 o'clock A. M. and 3 o'clock, P. M. respectively.

Resolved; That the Secretary be instructed to transmit a copy of this resolution to the honorable House asking their concurrence therein.

On motion of Mr. Kingsbury,

The Council resolved itself into committee of the whole to take into consideration C. B. No. 7.

Mr. Kingsbury in the chair.

After some deliberation the committee rose and through their chairman submitted the following report :

MR. PRESIDENT:—The committee of the whole have considered C. B. No. 7, entitled an act relative to divorce, with House amendments to the same, and instruct me to report the bill back with the recommendation that the Council do concur in the amendments of the House.

G. W. KINGSBURY, Ch'n.

The question being upon the adoption of the report of the committee,

Mr. Bothun moved the report be laid on the table.

Which motion prevailed.

C. B. No. 61 was then taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 10, nays none, as follows: .

Those who voted in the affirmative were,

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers, Rich, Stone, Taylor F., Thompson and Mr. President.

So the bill passed and its

Title agreed to.

On motion of Mr. Kingsbury

The Council took a recess until 3 o'clock this P. M.

At 3 o'clock the Council was called to order by the President.

Mr. Bothun chairman of the committee on counties submitted the following report:

MR. PRESIDENT:—Your committee on counties to whom was referred H. F. No. 39, have had the same under consideration, and beg leave to report the same back and recommend that it be indefinitely postponed.

L. BOTHUN, Ch'n.

J. M. STONE,

M. M. RICH.

Mr. Rich, from the committee on engrossed and enrolled bills, made the following report:

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have to report that we have examined C. B. No. 56, An act legalizing the acts of J. M. Stone and J. B. Greenway as road commissioners of Yankton county, and find the same correctly enrolled.

M. M. RICH, Ch'n.

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have to report that we have examined C. B. No. 59, and find the same correctly enrolled.

M. M. RICH, Ch'n.

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have to report that we have examined H. F. Nos. 16, 21, 36 and 47, and find them correctly enrolled.

M. M. RICH, Ch'n.

Mr. Bradford, from the committee on highways, bridges and ferries, submitted the following report:

MR. PRESIDENT:—Your committee on highways, bridges and ferries have had H. F. No. 22 under consideration, and ask leave to report the same back and recommend its indefinite postponement.

D. P. BRADFORD.

Leave was granted Mr. Stone to introduce C. B. No. 63, An act to encourage the cultivation and preservation of timber.

The bill was then taken up and

Read a first and second time and

On motion of Mr. Bothun

The rules were suspended and

The bill read a third time and put upon its passage.

The yeas and nays being ordered the vote stood,

Yeas 9, nays none, as follows:

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers,
Rich, Stone, Thompson and Mr. President.

So the bill passed and its

Title was agreed to.

C. B. No. 37 was then taken up and

On motion of Mr. Kingsbury,

Laid upon the table.

C. B. No. 7, reported back from the committee of the whole,
with the recommendation that the Council concur in the House
amendments to said bill was then taken up.

Mr. Kingsbury moved that the report of the committee of
the whole be taken from the table.

Which motion prevailed.

The report was then adopted.

H. F. No. 22, reported back by the committee on highways,
bridges and ferries, recommending its indefinite postponement,
was then taken up and

The report of the committee adopted.

H. F. No. 39, reported back by the committee on counties,
recommending its indefinite postponement, was then taken u
and

The report of the committee adopted.

C. B. No. 59 was then taken up and

Read a third time and put upon its passage,

The yeas and nays being ordered the vote stood,

Yeas 9, nays none, as follows:

Those who voted in the affirmative were,

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers,
Rich, Stone, Thompson and Mr. President.

So the bill passed and its

Title was agreed to.

On motion of Mr. Kingsbury

The Council adjourned to meet to-morrow morning at 11 o'clock.

ENOS STUTSMAN, *President.*

J. R. HANSON, *Secretary.*

THIRTY-EIGHTH DAY.

COUNCIL CHAMBER,

Wednesday, Jan. 13, 1864.

Council met pursuant to adjournment, at 11 o'clock A. M., and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names, to wit:

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Thompson, and Mr. President.

The journal of the 12th inst., was then read and approved.

The following messages was received from the House:

REPRESENTATIVE HALL,

YANKTON, Jan. 13, 1864.

MR. PRESIDENT:—I am instructed to inform your honorable body that the vote of January 11th, (by which Messrs. Wherry, Lawrence and Bottolfson, were elected a committee to act with a like committee on the part of the Council, to examine the election returns of 1862,) has been reconsidered by the House and Messrs. Brookings, Bond and Burgess, have been elected in their stead.

MAHLON GORE,

Chief Clerk.

HOUSE OF REPRESENTATIVES,

January 13, 1864.

MR. PRESIDENT:— I have the honor of informing you that

the House has concurred in and passed the following Council bills to-wit :

C. B. No. 48, An act granting to Anthony Ropalle, John Dillons, James Y. Small and Charles McCarthy, a charter for a ferry across the Missouri river near the mouth of Ponca creek, and C. B. No. 54, An act providing for the disposition of books and documents therein mentioned.

Which bills I herewith return to your honorable body.

The House has also passed H. F. No. 56, An act to locate a Territorial road from J. B. Greenway's ferry, to Haldor Bryngelson.

Which bill I herewith transmit to your honorable body, requesting your concurrence therein.

MAHLON GORE,

Chief Clerk.

Mr. Compton chairman of the committee on finance, submitted the following report :

MR. PRESIDENT:—Your committee on finance to whom was referred C. B. No. 60, report the same back and recommend that it do pass.

HUGH COMPTON, Chairman.

Mr. Bradford from the committee on highways, bridges and ferries submitted the following report:

MR. PRESIDENT:—Your committee on highways, bridges and ferries have had H. F. No. 55, under consideration and ask leave to report the same back and recommend that it be referred to a select committee of one.

D. P. BRADFORD.

Mr. Rich chairman of the committee on engrossed and enrolled bills submitted the following reports:

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have to report that on the 12th day of Jan. 1864, at 5 o'clock P.M., we handed to his excellency the Governor, for his approval C. B. No. 33, An act to provide for the recording of the stamps the United States Internal Revenue and for other purposes. C. B. No. 38, A memorial to Congress asking an appropriation of lands for the University of Dakota. C. B. No. 39, A memorial to Congress respecting the Pacific railroad,

and C. B. No. 40, Memorial and joint resolution praying for an appropriation to build a Territorial prison.

M. M. RICH, Ch'n.

MR. PRESIDENT:—Your committee on engrossed and enrolled bills, have to report that on the 12th day of Jan., 1864, at 5 o'clock P. M., we handed his excellency the Governor, for his approval, C. B. 56, An act legalizing the acts of J. M. Stone and J. B. Greenway, as road commissioners, of Yankton county.

M. M. RICH, Ch'n.

Mr. Kingsbury chairman of the special committee on H. F. No. 44 made the following report:

MR. PRESIDENT:—Your special committee to whom was referred H. F. No. 44, entitled A memorial to Congress praying for an appropriation to complete the erection of the Winnebago and Santee agencies, have considered the same, and report the bill back to the Council without recommendation.

G. W. KINGSBURY, Ch'n.

J. SHAW GREGORY,

J. J. THOMPSON;

Mr. Stone chairman of the select committee on C. B. No. 45, submitted the following report:

MR. PRESIDENT:—Your select committee to whom was referred C. B. No. 45, an act locating the seat of government of the Territory of Dakota, have had the same under consideration, and beg leave to report the same back recommending its indefinite postponement.

J. M. STONE, Ch'n.

D. P. BRADFORD.

C. B. No. 45, reported back by select committee, recommending its indefinite postponement, was then taken up and

The question being upon the adoption of the report of the committee.

Mr. Bothun called for the yeas and nays, which being ordered the vote stood,

Yeas 8, noes 2, as follows:

Those who voted in the affirmative were

Messrs. Bradford, Gregory, Kingsbury, Mathers, Rich, Stone, Thompson and Mr. President.

Those who voted in the negative were
Messrs. Bothun and Compton.

So the report of the committee was adopted.

C. B. No. 60 was then taken up and

On motion of Mr. Bothun.

Referred to a select committee of three.

The President appointed Messrs. Bothun, Kingsbury and
Bradford such committee.

H. F. No. 44, was then taken up and

On motion of Mr. Kingsbury,

The bill was laid on the table.

H. F. No. 55, reported back by the committee on highways,
bridges and ferries, recommending its reference to a select
committee of one, was then taken up, and

The report of the committee adopted

The President appointed Mr. Compton such committee.

H. F. No. 56, was then taken up, and

Read a first and second time, and

On motion of Mr. Kingsbury.

The rules were suspended and

The bill read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 10, nays none, as follows:

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury,
Mathers, Rich, Stone, Thompson and Mr. President.

So the bill passed and its

Title was agreed to.

Mr. Kingsbury from the special committee on C. B. No.
60, submitted the following report:

MR. PRESIDENT:—A majority of your special committee to
whom was referred, C. B. No. 60, entitled An act to amend
section two and three of chapter eighty-six of the laws of 1862,
have had the same under consideration, and beg leave to report
the accompanying substitute for said bill, with the recommen-
dation that it do pass.

G. W. KINGSBURY,

D. P. BRADFORD.

C. B. No. 60, the substitute reported by the special committee was then taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 9, nays 1, as follows:

Those who voted in the affirmative were,

Messrs. Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Thompson and Mr. President;

Mr. Bothun voted in the negative;

So the bill passed, and its

Title was agreed to.

Mr. Rich, chairman of the committee on engrossed and enrolled bills, made the following reports:

MR. PRESIDENT:—Your committee on engrossed and enrolled bills, have to report that on the 13th day of January, 1864, at 12 o'clock, M., we handed to his Excellency, the Governor, for his approval, council bills Nos. 48 and 54.

M. M. RICH, Ch'n.

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have to report that we have examined C. B. No. 48, An act granting to Anthony Rapalle, John Dillon, James F. Small, and Charles McCarthy, a charter for a ferry across the Missouri river, near the mouth of Ponca Creek.

And C. B. No. 54, An act providing for the distribution of books and documents therein mentioned, and find the same correctly enrolled.

M. M. RICH, Ch'n.

The following communication was received from his Excellency, the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE,
YANKTON, Jan. 13, 1864.

To the Honorable Council:

GENTLEMEN:—I enclose herewith C. B. No. 33, An act to provide for the recording of the stamps of the United States internal revenue, and for other purposes.

Also, C. B. No. 38, A memorial to Congress asking an appropriation of lands for the university of Dakota.

Also, C. B. No. 39, A memorial to Congress respecting the Pacific Railroad.

Also, C. B. No. 40, A memorial and joint resolution praying for an appropriation to build a territorial prison.

Also, C. B. No. 56, An act legalizing the acts of J. M. Stone and J. B. Greenway, as road commissioners of Yankton county.

All of which have, this day, been approved and signed by me.

Very respectfully,

Your obedient servant,

NEWTON EDMUNDS,

Governor.

On motion of Mr. Kingsbury,

The Council took a recess until 3 o'clock this P. M.

At three o'clock, P. M., the Council was called to order by the President.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
YANKTON, Jan. 13, 1864.

MR. PRESIDENT:—I am instructed to inform you that the House has concurred in and passed the following council bills, to wit:

C. B. No. 57, with attached amendments.

C. B. No. 55, with attached amendment.

C. B. Nos. 43, 47, 44, 59, and 58.

Council bills Nos. 35, 46, 52 and 61, have been indefinitely postponed by the House.

The House has decided the Council amendment to the House amendment of C. B. No. 42, out of order, for the reason that it is not an amendment to the amendment.

All of which council bills I have the honor to transmit to your honorable body.

The House has also passed the following House Files, to wit:

H. F. Nos. 18, 52, 37, 60, 58, and 59, which House Files I herewith transmit to your honorable body requesting your concurrence therein.

MAHLON GORE,

Chief Clerk.

H. F. No. 60, Joint resolution relating to William Jayne, was then taken up, and

Read a first and second time, and

Referred to the committee on elections.

H. F. No. 52, An act annexing the counties of Lincoln and Minnehaha to the county of Union for election and judicial purposes, was then taken up, and

Read a first and second time, and

On motion of Mr. Rich,

The rules were suspended, and

The bill read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 9, nays none, as follows:

Those who voted in the affirmative were,

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers, Rich, Stone, Thompson and Mr. President.

So the bill passed.

Mr. Kingsbury moved that the title of the bill be so amended as to read as follows: "An act attaching the counties of Lincoln and Minnehaha to the county of Union for election and judicial purposes."

Which motion prevailed and

The title was then agreed to.

C. B. No. 57, returned from the House with amendments, was then taken up, considered, and

The amendments concurred in.

C. B. No. 42, returned from the House with amendments, was then taken up, considered, and

The amendments concurred in.

H. F. No. 37, An act to provide for county organizations, county officers, and their duties, was then taken up, and

Read a first and second time, and

On motion of Mr. Kingsbury,

Made the special order in committee of the whole to-morrow, at 11 o'clock, A. M.

H. F. No. 18, An act prescribing the manner of contesting the elections of county officers, was then taken up and

Read a first and second time, and

Referred to the committee on elections.

H. F. No. 59, An act for the regulation and support of common schools, was then taken up, and

Read a first and second time, and

Referred to the committee on education.

On motion of Mr. Kingsbury

The Council adjourned to meet to-morrow, at 11 o'clock,

A. M.

ENOS STUTSMAN, *President*.

J. R. HANSON, *Secretary*.

THIRTY-NINTH DAY.

COUNCIL CHAMBER, }
Thursday, Jan. 14, 1864.

Council met pursuant to adjournment at 11 o'clock A. M., and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names, to wit:

Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Thompson and Mr. President.

On motion of Mr Gregory

The reading of the journal of the 13th was dispensed with.

C. B. No. 55, returned from the House on the 13th, with amendments, was then taken up and considered.

Mr. Bothun offered the following amendments to House amendments.

Strike out the word "first," in second line of amendment, and insert in lieu thereof, the word "third." And amend the amendment by striking out the words "May and September," in last line of the amendment, and insert in lieu thereof, the words "April and November."

The amendments to the amendments were adopted.

The amendments as amended were then concurred in.

Mr. Rich, chairman of the committee on education, submitted the following report:

MR. PRESIDENT:—Your committee on education, to whom was referred H. F. No. 59, An act for the regulation and support of Common Schools, have to report that we have examined the same in connection with our present school system, and not deeming a change necessary, beg leave to report the same back without recommendation.

M. M. RICH, Ch'n.

The President announced that Mr. Compton would fill the place on the committee of highways, bridges and ferries, made vacant by the resignation of Mr. Taylor, F.

Mr. Rich, chairman of the committee on engrossed and enrolled bills, submitted the following report:

MR. PRESIDENT:—Your committee on engrossed and enrolled bills, have to report that we have examined C. B. No. 42, Memorial and joint resolution praying for an appropriation to erect a capitol building for Dakota Territory; C. B. No. 43, An act in relation to a Territorial library; C. B. No. 44, An act in relation to depositions; C. B. No. 47, Joint resolution relative to the public lands in Dakota; C. B. No. 57, An act to regulate elections, to prescribe the qualifications of voters, to prevent illegal voting, and to prescribe the canvass and return of the same; C. B. No. 58, An act regulating the width of roads; and C. B. No. 59, A memorial to Congress asking an appropriation for the construction of bridges in the Territory of Dakota; and find them correctly enrolled.

M. M. RICH, Ch'n.

Mr. Compton, as committee of one, on H. F. No. 55, submitted the following report.

MR. PRESIDENT:—Your special committee on H. F. No. 55, have had the same under consideration, and beg leave to report the same back and recommend its passage, with attached amendment.

HUGH COMPTON.

The select committee appointed to examine the returns of

the election for delegate in Congress, of Sept. 1st, 1862, submitted the following report:

MR. PRESIDENT:—Your committee who were appointed to wait upon Secretary Hutchinson, and obtain from him an abstract of the returns made to his office of the general election held in this Territory for Delegate to Congress, Sept. 1, 1862, which were properly returned and acted upon by the Territorial canvassers, beg leave to report that they have discharged that duty, and find that returns were duly and properly made within the time prescribed by law for receiving returns, as follows, to-wit:

Number of votes cast for William Jayne:

Elk Point and Willow precinct, 18; Brule Creek precinct, 63; Clay County, first precinct, 33; Clay County, second precinct, 33; Yankton county, 66; Todd county, 13; Charles Mix county, 138; Dakota Cavalry, 11.—375.

Number of votes cast for J. B. S. Todd:—

Elk Point and Willow precinct, 50; Brule Creek precinct, 8; Clay county, first precinct, 40; Clay county second precinct, 24; Yankton county, 66; Bon Homme county, 22; Todd county, 24; Charles Mix county, 7; Dakota Cavalry, 9—250.

Yankton county, J. B. S. T. received one vote.

DAKOTA TERRITORY, SECRETARY'S OFFICE,
YANKTON, Jan. 12, 1864.

I hereby certify that the foregoing is a correct list of the votes cast for J. B. S. Todd and William Jayne for Delegate to Congress at the general election held Sept. 1, 1862, according to the returns to this office prior to the canvass made by the board of canvassers.

Witness my hand and the great seal of the Territory,
[L. S.] at Yankton, this day and year above written,

JOHN HUTCHINSON,
Secretary.

The returns above quoted, show William Jayne to have received three hundred and seventy-five votes, and J. B. S. Todd to have received two hundred and fifty votes, and J. B. S. T., to have received one vote. They further show that William Jayne received one hundred and twenty-five votes more than J. B. S. Todd received at said election for delegate to Congress.

and in the opinion of your committee, William Jayne should have been declared to have received one hundred and twenty-five majority, in accordance with the returns on file in the Secretary's office, in compliance with section 33, of chapter 32, of the laws of Dakota Territory, of 1862, which provides as follows, to wit :

And it shall be the duty of the Secretary of the Territory, with the Chief Justice and the Governor, or a majority of them, to proceed within fifty days after the election, and sooner, if all the returns be received, to canvass the votes given for Delegate to Congress and other Territorial officers, and the Governor shall grant a certificate of election to the person having the highest number of votes, and shall also issue a proclamation declaring the election of such person.

The twenty-two votes in the above abstract, returned as having been cast for J. B. S. Todd, in Bon Homme county, your committee are of the opinion should not have been received or acted upon by the board of Territorial canvassers, for the reason that the board of canvassers and nearly every voter of the Territory were possessed of the knowledge that the regular election in that county was broken up by a mob and the ballots destroyed after the polls of the regular election had been properly proclaimed closed. And further, the returns were not made by the legally constituted Register of Deeds of said county. Indeed, the person certifying to the returns, as Register, was never Register of said county, as appears of record. Your committee are therefore of the opinion that the vote for J. B. S. Todd, should be reduced by deducting the vote of Bon Homme county, thereby making William Jayne's majority one hundred and forty seven votes.

Your committee believe that great injustice was done to William Jayne, by the board of Territorial canvassers in declaring him elected by only sixteen majority. And your committee have been unable to see by what process the result was arrived at by said board of canvassers, in the discharge of their duty as such, under the law quoted above.

There is no doubt in the mind of your committee about the election of William Jayne by a decided majority of legal votes, at the general election held on the first day of September.

Dr. 1862, and as it does not appear, by the law quoted above, that the certificate needs to be attested by the Secretary of the Territory, your committee are of the opinion that the certificate of election issued by William Jaynes as Governor, to himself, should have been considered sufficient to admit him to a seat as such delegate, when backed as it was by the proclamation of acting Governor Hutchinson, declaring him duly elected a delegate in the thirty-eighth Congress of the United States.

All of which is respectfully submitted.

J. M. STONE,

M. M. RICH,

L. BOTHUN,

Committee

The question being upon the adoption of the report, and
The yeas and nays being called for and ordered, the vote stood

Yeas 7, nays 3, as follows:

Those who voted in the affirmative were
Messrs. Bothun, Bradford, Mathers, Rich, Stone, Thompson
and Mr. President.

Those who voted in the negative were
Messrs. Compton, Gregory and Kingsbury.

So the report was adopted.

Mr. Stone, chairman of the committee on agriculture, submitted the following report:

MR. PRESIDENT:—Your committee on agriculture to whom was referred C. B. No. 53, an act concerning fences, fence viewers, pounds and impounding cattle, have had the same under consideration, and beg leave to report the same back and recommend its passage.

J. M. STONE.

Mr. Kingsbury chairman of the committee on elections, submitted the following report:

MR. PRESIDENT:—Your committee on elections, to whom was referred H. F. No. 18, entitled "An act prescribing the manner of contesting the election of county officers," have had the same under consideration, and report the bill back, recommending that it be referred to a committee of the whole House this day at 3½ o'clock, P. M.

G. W. KINGSBURY, Chm.

The following communication was received from his Excellency, the Governor.

DAKOTA TERRITORY, EXECUTIVE OFFICE, }
YANKTON, Jan. 14, 1864. }

To the Honorable Council:

GENTLEMEN:—I herewith return C. B. No. 48, An act granting to Anthony Rapalle, John Dillon, James F. Small and Charles McCarthy, a charter for a ferry across the Missouri River, near the mouth of Ponca Creek, also C. B. No. 54, An act providing for the disposition of books and documents therein named," which I have examined and this day signed and approved.

Very respectfully,

Your obedient Servant,

NEWTON EDMUNDS,

Governor.

Mr. Bothun, chairman of a special committee, made the following report.

MR. PRESIDENT:—Your special committee to whom C. B. No. 14, was referred, have had the same under consideration and beg leave to report the same back, and recommend that it be laid on the table.

L. BOTHUN, Ch'n.

H. F. No. 58; Joint resolution relative to the re-auditing of the militia accounts against the Territory for expenses incurred during the fall of 1862, was then taken up and

Read a first and second time.

Mr. Kingsbury in the chair.

Mr. Stutsman offered the following amendments, which were adopted:

Strike out all between the title and the first resolution, with the exception of the following words: "Be it resolved by the Legislative Assembly of the Territory of Dakota."

Strike out the word "said" where it occurs in the fifth line, before the word James, in the first resolution.

Also strike out the word "aforesaid" where it occurs in the sixth line of the resolution.

Strike out the whole of the tenth resolution.

Mr. Thompson offered the following, which was adopted:

MR. PRESIDENT:—At the request of Mr. Hanson, I offer the following amendment to wit:

Strike out the name of J. R. Hanson wherever it occurs in said resolutions, and insert in lieu thereof the name of Samuel Grant.

President in the chair.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
January 14, 1864.

MR. PRESIDENT:—I am instructed to inform you that C. B. No. 36 and C. B. No. 60, has been indefinitely postponed by the House.

The House has concurred in and passed the following Council bills, viz:

C. B. No. 55, amendment concurred in.

C. B. No. 49, passed by substitute.

All of which bills I herewith return to your honorable body.

MAHLON GORE,
Chief Clerk.

Mr. Kingsbury moved to amend H. F. No. 58 by striking out resolution 7.

Mr. Stone moved to lay the motion on the table.

The yeas and nays being called for and ordered, the vote stood:

Yeas 7, nays 3, as follows:

Those who voted in the affirmative were,

Messrs. Bothan, Bradford, Compton, Mathers, Stone, Thompson and Mr. President.

Those who voted in the negative were.

Messrs. Gregory, Kingsbury, and Rich.

So the motion was laid on the table.

Mr. Kingsbury moved that the word "malitia" wherever it occurs in said resolutions, be stricken out, and the word "militia" be substituted.

Which motion prevailed.

The bill was then read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 10, noes none, as follows:

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Thompson and Mr. President.

So the bill passed, and its

Title was agreed to.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
January 14, 1864.

MR. PRESIDENT:—I have to inform you that the House has concurred in and passed C. B. No. 63.

The House has concurred in the Council amendment to H. F. No. 52.

The House has passed H. F.'s Nos, 50 and 46.

All of which bills are herewith transmitted to your honorable body, and your concurrence in said House Files is respectfully solicited.

MAHLON GORE,
Chief Clerk.

C. B. No. 53 was then taken up and

Read third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 6, nays 3, as follows:

Those who voted in the affirmative were,

Messrs. Bradford, Kingsbury, Mathers, Rich, Stone, and Thompson.

Those who voted in the negative were

Messrs. Bothun, Compton, and Gregory.

So the bill passed and its

Title was agreed to.

Mr. Kingsbury, chairman of the special committee to whom was referred H. F. No. 60, submitted the following report:

MR. PRESIDENT:—Your special committee to whom was referred H. F. No. 60, entitled Joint resolutions relative to William Jayne, would respectfully report the same back without recommendation.

G. W. KINGSBURY.

H. F. No. 60, was then taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood:

Yeas 8, nays 2, as follows:

Those who voted in the affirmative were,

Messrs. Bothun, Bradford, Kingsbury, Mathers, Rich, Stone, Thompson and Mr. President.

Those who voted in the negative were,

Messrs. Compton and Gregory.

So the bill passed and its

Title was agreed to.

C. B. No. 14, reported back by Mr. Bothun, chairman of special committee, recommending that it be laid on the table, was then taken up, considered, and

The report of the committee adopted.

H. F. No. 55, reported back by Mr. Compton, special committee with amendments, was then taken up, considered, and

The report of the committee adopted.

The bill was then read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 10, noes none, as follows:

Those who voted in the affirmative were,

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Thompson and Mr. President.

So the bill passed and its

Title was agreed to.

H. F. No. 59, was then taken up:

Mr. Gregory moved that the bill be indefinitely postponed.

The yeas and nays being called for and ordered, the vote stood,

Yeas 3, nays 7, as follows:

Those who voted in the affirmative were

Messrs. Gregory, Rich, and Mr. President.

Those who voted in the negative were

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers, Stone, and Thompson.

So the motion did not prevail.

The bill was then read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 7, nays 3, as follows:

Those who voted in the affirmative were

Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers, Stone, and Thompson.

Those who voted in the negative were

Messrs. Gregory, Rich, and Mr. President.

So the bill passed and its

Title was agreed to.

H. F. No. 18, reported back by the committee on elections, recommending it be referred to committee of the whole this p. m., at 3½ o'clock, was then taken up, and

The report of the committee adopted.

H. F. No. 46 was then taken up, and

Read a first and second time, and

Referred to the committee on counties.

H. F. No. 50 was then taken up, and

Read a first and second time and

Referred to committee on counties.

C. B. No. 49, returned from the House with amendments, was then taken up and

The amendments concurred in.

The following communication was received from his Excellency, the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE, }
YANKTON, Jan. 15, 1864. }

To the Honorable Council:

GENTLEMEN:—I return herewith C. B. No. 42, Memorial and joint resolution praying for an appropriation to erect a Capitol building for Dakota Territory.

Also, C. B. No. 43, An act in relation to the territorial library.

Also, C. B. No. 44, An act in relation to depositions.

Also, C. B. No. 47, Joint resolution relative to the public lands in Dakota.

Also, C. B. No. 57, An act to regulate elections, to prescribe the qualification of voters, to prevent illegal voting, and to prescribe the canvass and return of the same.

Also, C. B. No. 58, An act regulating the width of roads.

Also, C. B. No. 59, A memorial to Congress asking an appropriation for the construction of bridges in the Territory of Dakota, which have been this day examined, approved and signed by me.

Very respectfully,

Your obedient servant,

NEWTON EDMUNDS,

Governor.

On motion of Mr. Kingsbury,

The Council took a recess until 3 o'clock this P. M.

At three o'clock, P. M., the Council was called to order by the President.

Mr. Bothun chairman of the committee on counties submitted the following report:

MR. PRESIDENT:—Your committee on counties to whom was referred H. F. No. 46 have examined the same and beg leave to report the same back with attached amendments and recommend its passage.

L. BOTHUN.

The report of the committee was adopted, and
The bill read a third time and put upon its passage.
The yeas and nays being ordered the vote stood,
Yeas 9, nays none, as follows:

Those who voted in the affirmative were
Messrs. Bothun, Bradford, Compton, Kingsbury, Mathers,
Rich, Stone, Thompson and Mr. President.

So the bill passed and its
Title was agreed to.

Mr. Bothun, chairman of the committee on incorporations, submitted the following report:

MR. PRESIDENT:—Your committee on incorporations, to whom was referred H. F. No. 54, entitled An act to incorporate Randall City, in Charles Mix county, have examined the same, and find that the enacting clause reads as follows: "Be it enacted by the Council and House of Representatives of the the Territory of Dakota" — and as this is an inovation upon

the established form, we would recommend that the bill be returned to the House, with the inquiry whether or not they have adopted a new enacting clause.

L. BOTHUN, Ch'n.

C. B. No. 54 was then taken up; and

The report of the committee adopted.

Mr. Bothun, chairman of the committee on counties, made the following report:

MR. PRESIDENT:—Your committee on counties, to whom was referred H. F. No. 50 have had the same under consideration and beg leave to report the same back and recommend its indefinite postponement.

L. BOTHUN, Ch'n.

On motion, the report was laid upon the table.

The bill was then taken up and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 6, nays 2, as follows:

Those who voted in the affirmative were

Messrs. Bradford, Gregory, Kingsbury, Mathers, Rich, Stone, and Thompson.

Those who voted in the negative were

Messrs. Bothun and Compton.

So the bill passed, and its

Title was agreed to.

Mr. Stone, chairman of the committee on agriculture, submitted the following report:

MR. PRESIDENT:—Your committee on agriculture to whom was referred H. F. No. 51, An act relating to horses, mules and cattle, have had the same under consideration and report it back with the recommendation that it be laid on the table.

The report of the committee was adopted.

Mr. Rich, chairman of the committee on engrossed and enrolled bills, made the following report:

MR. PRESIDENT:—Your committee on engrossed and enrolled bills beg leave to report that we have examined council bills Nos. 49, 55, 62 and 63, and find them correctly enrolled.

M. M. RICH, Ch'n.

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have to report that on the 14th day of January, 1864, at 3½ o'clock, P. M., we handed to his Excellency, the Governor, for his approval, council bills Nos. 62, 63, 49, and 55.

M. M. RICH, Ch'n.

At 3½ o'clock the council went into committee of the whole to take into consideration H. F. No. 37.

Mr. Kingsbury in the chair.

After some time spent therein the committee arose and through their chairman made the following report:

MR. PRESIDENT:—The committee of the whole have had under consideration H. F. No. 37, entitled An act to provide for county organization, county officers, and their duties, and instruct me to report the same back with the recommendation that the bill be laid upon the table.

G. W. KINGSBURY, Ch'n.

The report was adopted.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

January 14, 1864.

MR. PRESIDENT:—I have to inform you that C. B. No. 53 has been indefinitely postponed by the House, which bill is herewith returned to your honorable body.

The House has concurred in the Council amendments to H. F. Nos. 58, 46 and 55.

MAHLON GORE,

Chief Clerk.

H. F. No. 54 was hereupon returned from the House for further action upon the part of the Council.

Mr. Bothum moved the bill be laid on the table,

Which motion prevailed.

H. F. No. 18 was then taken up and read.

On motion of Mr. Kingsbury,

Laid upon the table.

On motion of Mr. Kingsbury,

The Council adjourned to meet to-morrow morning, at 11 o'clock, A. M.

ENOS STUTSMAN, President.

J. R. HANSON, Secretary.

FORTIETH DAY.

COUNCIL CHAMBER, }
 Tuesday, Jan. 15, 1864. }

Council met pursuant to adjournment, at 11 o'clock A. M., and was called to order by the

President in the chair.

Prayer by the chaplain.

Roll called.

The following members answered to their names, to wit:

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Thompson, and Mr. President.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
 YANKTON, Jan. 15, 1864. }

MR. PRESIDENT:—I have the honor to inform you that the House has passed H. F. No. 61, A memorial to Congress for the establishment of an Indian agency at or near the mouth of the Cheyenne river, or some practicable point on the Missouri river.

Which bill I herewith transmit to your honorable body requesting your concurrence therein.

MAHLON GORE,
Chief Clerk.

On motion of Mr. Gregory,

The reading of the journal of the 14th was dispensed with.

The following message was received from His Excellency, the Governor:

DAKOTA TERRITORY, EXECUTIVE OFFICE, }
 YANKTON, Jan. 15, 1864. }

To the honorable Council:

GENTLEMEN:—I have this day examined, approved and signed the following Council bills, which I have the honor herewith to transmit to your honorable body, to-wit: Council bill No. 49, An act granting to C. M. Davis, N. Wall and W. M. Barnum, and associates, a charter for a ferry on the Missouri river at or near the mouth of the Yellow Stone river; also,

Council bill No. 55, An act changing the time of holding the United States District Court in the first and second judicial districts." Council bill No. 62, An act establishing the fees of officers ;" also, Council bill No. 63, An act to encourage the cultivation and preservation of timber.

Very respectfully,

Your obedient servant,

NEWTON EDMUNDS,

Governor.

Leave was granted Mr. Gregory to introduce C. B. No. 64, An act supplementary to an act defining the boundary lines of Todd and Gregory counties, and for other purposes.

Leave was granted Mr. Bothun to introduce C. B. No. 65, A joint resolution relative to the printing and distribution of the laws and journals of the third session of the Legislative Assembly of Dakota Territory.

Mr. Compton introduced the following resolution :

Resolved, That Hon. Franklin Taylor be excused for non-attendance from the 13th inst., to the present time, on account of sickness.

The resolution was adopted.

C. B. No. 64 was then taken up, and

Read a first and second time, and

On motion of Mr Gregory

The rules were suspended, and

The bill read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 10, nays none, as follows:

Those who voted in the affirmative were,

Messrs. Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Thompson and Mr. President.

So the bill passed, and its

Title agreed to.

C. B. No. 65 was then taken up and

Read a first and second time and

On motion of Mr. Gregory,

The rules were suspended and

The bill read a third time and put upon its passage.

The yeas and nays being ordered the vote stood

Yeas 10, noes none, as follows :

Those who voted in the affirmative were

Bothun, Bradford, Compton, Gregory, Kingsbury, Mathers, Rich, Stone, Thompson and Mr. President.

So the bill passed and its

Title was agreed to.

The following message was received from the House :

MR. PRESIDENT:—I am instructed to inform you that the House has agreed to the following resolution :

Resolved, That this House, with the Council concurring therein, adjourn *sine die* this day at half past four o'clock, P. M.

MAHLON GORE,

Chief Clerk.

Mr. Bothun introduced the following resolution :

Resolved, That, as the Hon. House has resolved to adjourn *sine die* this day at half past four o'clock, the Council will adjourn *sine die* at the same hour.

The resolution was adopted.

H. F. No. 61, was then taken up, and

Read a first and second time, and

Referred to the committee on Territorial affairs.

Mr. Stone introduced the following resolution :

Resolved, That Mr. Rossteuscher, the Assistant Secretary of the Council be excused for non-attendance this day on account of sickness.

The resolution was adopted.

Mr. Kingsbury introduced the following resolutions :

Resolved, That in view of the harmonious and friendly intercourse which has existed between this branch of the Legislative Assembly and his excellency, Governor Newton Edmunds—and inasmuch as that gentleman has assiduously labored, by advice and counsel, and with commendable forbearance, to further our own interests, and through us has sought to benefit the several constituencies which we represent, our esteem and sincere thanks are due him, and are hereby freely tendered.

Resolved, That in the Secretary of the Territory, Hon. John Hutchinson, this Council has ever found an earnest friend, who has endeavored to anticipate our many wants, and has earnestly sought to relieve them; and in severing our official connec-

tion with him, we feel that we can do no less than tender him our kindest wishes.

Resolved, That throughout the present session, the members of this Council have been daily reminded of the wisdom they evinced in the choice of their presiding officer, the Hon. Enos Stutsman, and in consideration of the valuable aid he has rendered unto each and all of us, by ingenuously and earnestly striving to enhance our individual interests, and the interests of those whom we represent, we are constrained to tender him our earnest gratitude, trusting that during the time which must elapse before we can again assemble in our present capacity, he may continue in the enjoyment of the choicest blessings, enriched with the consciousness of being a judicious and faithful public servant.

Resolved, That we have found in our efficient and gentlemanly Secretary, J. R. Hanson, a combination of the many qualities which render him a valuable and faithful helpmeet; and for his assiduous endeavors to facilitate our labors, his fidelity to our interests, and his unexceptionable courtesy manifested throughout this session, we tender him our high regard and hearty thanks.

Resolved, That the officers of the Council, one and all, are deserving of our esteem and gratitude for their prompt and earnest efforts to discharge the functions of their respective positions faithfully; and for their uniform courtesy manifested toward the members of this body—the which are hereby freely tendered.

The resolutions were unanimously adopted.

Mr. Thompson, chairman of the committee on territorial affairs, submitted the following report:

MR. PRESIDENT:—Your committee on territorial affairs, to whom was referred H. F. No. 61, have had the same under consideration, and beg leave to report the same back and recommend its indefinite postponement.

J. J. THOMPSON, Ch'n.

HUGH COMPTON.

M. M. RICH.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,

Jan. 15, 1864.

MR. PRESIDENT:—I am instructed to inform you that the House has passed G. B. No. 64, which bill I herewith return.

MAHLON GORE,

Chief Clerk.

On motion of Mr. Thompson,

H. F. No. 44 was taken from the table, and

On motion of Mr. Gregory,

The bill was read a third time and put upon its passage,

The yeas and nays being ordered the vote stood,

Yeas 2, nays 6, as follows:

Those who voted in the affirmative were,

Messrs Bothun and Gregory.

Those who voted in the negative were

Messrs Bradford, Kingsbury, Rich, Stone, Thompson and
Mr. President.

So the bill did not pass.

The following message was received from the House:

HOUSE OF REPRESENTATIVES, }
Jan. 15, 1864. }

MR. PRESIDENT:—I have the honor to inform you that the House has passed C. B. No. 65, with attached amendments, which bill is herewith returned to your honorable body.

MAHLON GORE,
Chief Clerk,

C. B. No. 65 was then taken up, considered and

The amendments of the House concurred in.

Mr. Rich, chairman of the committee on engrossed and enrolled bills submitted the following reports:

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have examined C. B. No. 65, and beg leave to report the same back as correctly enrolled.

M. M. RICH, Ch'n.

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have to report that they dispatched council bill No. 65 to his Excellency, the Governor, at 12 o'clock, M.

M. M. RICH, Ch'n.

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have to report that we have examined C. B. No. 64, and find the same correctly enrolled.

M. M. RICH, Ch'n.

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have to report that on this day, at 12 o'clock, M.

we dispatched to his Excellency, the Governor, for his approval, council bill No. 64.

M. M. RICH, Ch'n.

The following message was received from the House :

REPRESENTATIVE HALL,
YANKTON, Jan. 15, 1864. }

MR. PRESIDENT:—I have to inform you that the House has passed H. F. No. 53, which I herewith transmit, requesting your concurrence therein.

MAHLON GORE,
Chief Clerk.

H. F. No. 53 was then taken up, and

Read a first and second time.

Mr. Gregory moved the rules be suspended and

The bill read a third time and put upon its passage.

The motion did not prevail.

On motion, the bill was then referred to the committee on judiciary.

Mr. Rich, chairman of the committee on engrossed and enrolled bills, made the following reports :

MR. PRESIDENT:—Your committee on engrossed and enrolled bills, beg leave to report that we have examined C. B. No. 7, and find the same correctly enrolled.

M. M. RICH, Ch'n.

MR. PRESIDENT:—Your committee on engrossed and enrolled bills have to report that they dispatched council bill No. 7, to his Excellency, the Governor, at 1 o'clock, P. M.

M. M. RICH, Ch'n.

Mr. Kingsbury, chairman of the committee on judiciary, submitted the following report :

MR. PRESIDENT:—Your committee on judiciary to whom was referred House File No. 53, entitled An act to prevent the sale of spirituous and vinious liquors to minors, and for other purposes, have had the same under consideration, and report the bill back recommending that it do pass.

G. W. KINGSBURY, Ch'n.

H. F. No. 53 was then taken up and

Read a third time, and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas, 8, nays none, as follows :

Those who voted in the affirmative were,

Messrs. Bothum, Bradford, Gregory, Kingsbury, Rich, Stone, Thompson and Mr. President.

as Smith's bill passed and its

Title was agreed to.

The following communication was received from his Excellency, the Governor :

DAKOTA TERRITORY, EXECUTIVE OFFICE,
YANKTON, January 15, 1864.

To the Honorable Council :

GENTLEMEN :—I have the honor to enclose herewith council bill No. 64, An act supplementary to act defining the boundary lines of Todd and Gregory counties, and for other purposes.

Also, C. B. No. 65, A joint resolution relative to the printing and distribution of the laws and journals of the third session of the Legislative Assembly of Dakota Territory.

All of which I have, this day, examined, approved and signed.

Very respectfully,

Your obedient servant,

NEWTON EDMUNDS,

Governor.

Mr. Kingsbury moved that H. F. No. 18 be taken from the table.

The motion did not prevail.

The following communication was received from his Excellency, the Governor :

DAKOTA TERRITORY, EXECUTIVE OFFICE,
YANKTON, January 15, 1864.

To the Honorable Council :

GENTLEMEN :—I have the honor to transmit council bill No. 7, An act relative to divorce, which I have this day examined, approved and signed.

Very respectfully,

Your obedient servant,

NEWTON EDMUNDS,

Governor.

Mr. Stone introduced the following resolution :

Resolved, That a select committee of three be appointed by the chair to wait upon his Excellency, the Governor, and inquire whether he has any further communications to make to the Council this session.

The resolution was adopted, and the President appointed as such committee, Messrs. Stone, Gregory and Bothun.

Mr. Rich, chairman of the committee on engrossed and enrolled bills, made the following report ;

MR. PRESIDENT:—Your committee on engrossed and enrolled bills, beg leave to report that we have examined H. F. No. 53, and find the same correctly enrolled.

M. M. RICH, Ch'n.

The following message was received from the House :

HOUSE OF REPRESENTATIVES,
Jan. 15, 1864. }

MR. PRESIDENT:—I have the honor of informing you that the House has passed H. F. No. 62, which bill I herewith transmit, requesting your concurrence therein.

MAHLON GORE,
Chief Clerk

H. F. No. 62 was then taken up, and

Read a first and second time.

Mr. Gregory moved the rules be suspended and

The bill read a third time and put upon its passage.

The motion did not prevail.

The bill was then referred to the committee on education.

Mr Stone, chairman of the select committee appointed to wait upon his Excellency, the Governor, submitted the following report :

MR. PRESIDENT:—Your committee appointed to wait on his Excellency, the Governor, and ascertain if he had any further communication to make to the Council, beg leave to report that they have performed the duty assigned them, and that his Excellency has no further communication to make.

J. M. STONE,

J. SHAW GREGORY.

Mr. Rich, chairman of the committee on education, submitted the following report :

MR. PRESIDENT :—Your committee on education, to whom H. F. No. 62 has been referred, have had the same under consideration, and beg leave to report the same back without recommendation.

M. M. RICH, Ch'n.

H. F. No. 62, was then taken up, and

Read a third time and put upon its passage.

The yeas and nays being ordered, the vote stood,

Yeas 1, nays 7, as follows:

Mr. Gregory voted in the affirmative and

Those who voted in the negative were

Messrs. Bothun, Bradford, Kingsbury, Rich, Stone, Thompson, and Mr. President.

So the bill did not pass.

Mr. Kingsbury introduced the following resolution:

Resolved, That in closing our official labors for the present legislative year, we are deeply impressed with the important matters which are now agitating and convulsing our bleeding, but yet breathing country; and that, as we separate here, for our respective homes, we are reminded that a responsible duty encumbers each and all: a duty which can only be discharged by faithfully adhering to every plank and sliver in the platform of our glorious National Government; by persistently advocating the principles upon which our Government is constructed, and the policy which is now guiding our Ship of State through the intricate and precarious channel in which she is now sailing, and which will, we faithfully hope, aided by a good and liberty-loving Providence, moor the consecrated and Heaven-loved craft, safely in the harbor of peace, prosperity, and greatness—ere the dawning of another Monday morn, in the coming month of December,

The resolution was adopted.

The journal of this day was then read and approved.

At half past four o'clock P. M.,

On motion of Mr. Gregory, seconded by Mr. Stone,

The Council adjourned *sine die*.

ENOS STUTSMAN, *President*.

J. R. HANSON, *Secretary*.

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